

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mr. Stockton called the meeting to order at 7:39 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 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. O’Neil, Mr. Nolan,
Mr. Stockton, Mr. Harrison**

Late Arrival: Mayor Little arrived at 7:41 P.M.

Absent: Mr. Bahrs, Mr. Cefalo, Mr. Schoellner

**Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Joseph Venezia, P.E., Board Engineer
Robert Keady, P.E., Board Engineer’s Office**

**PB#2008-4 Huhn, John
Block 14 Lot 2.014 – 22 Grand Tour
Request to Postpone to November 13, 2008**

Mayor Little arrived to the meeting.

Mr. Stockton explained that the Board has received a request from the applicant to postpone the public hearing to the November 13, 2008 meeting.

Mr. Manrodt offered a motion to postpone the public hearing on this matter and move it to the November 13, 2008 meeting, seconded by Mr. Mullen and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Nolan, Mayor Little,
Mr. Harrison**

NAYES: None

ABSTAIN: Mr. Stockton

Note: Mr. O’Neil stepped out of the meeting for a moment during the roll call vote:

Mr. Stockton advised the public that this matter has been carried to the November 13th meeting.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Master Plan Amendment Discussion – Martin Truscott, P.P. of T & M Associates

Martin Truscott, P.P. of T & M Associates was sworn in and stated the following during his testimony and response to questions from the board:

1. He described his Professional qualifications to the board.
2. He stated that he was here to speak about a potential Master Plan amendment and Reexamination Report.
3. The Governing Body hired T & M Associates to review the Master Plan and to prepare an amendment. He stated that he is here tonight for guidance from the Planning Board.
4. He described exhibit A-1 which was marked into evidence, it was a map of the town. He explained that the Governing Body is looking to extend the zoning on Bay Avenue. They want to look at the uses and boundary zone areas and the bulk standards.
5. He described exhibit A-2 which was marked into evidence, it was a map that shows the study area which is in the dark line. He explained the limits of the B-1 zone limits and the B-2 zone limit area. He explained that there is a Multi-Family zone in the middle and they are not proposing to do anything in that zone. He wants to have a discussion with the board about possibly extending the zone along Bay Avenue which he further explained the area to extend.
6. His task is to come back with a Reexamination Report and if necessary a Master Plan Amendment to address the commercial areas. It's been suggested to allow for third and fourth stories along Bay Avenue in the commercial zones. Those are the issues that we need to talk about which will also bring up other issues such as parking for commercial area, utility capacity. He stated that there would be commercial areas next to residential areas.
7. He then gave out handouts to the board of the existing B-1 and B-2 Zone information.

Mr. Manrodt asked how far back the zone would go from Bay Avenue.

Mr. Truscott explained that it just follows the back of the lots that front off of Bay Avenue.

Mr. Manrodt – if you went back to Recreation Place, the if a person went back to Recreation and wanted to buy a house and make parking they could do it.

Mr. Mullen – stated that he believes it's actually a good place to make zone district boundaries.

The Board then had a discussion about the zone boundaries.

Mr. Mullen – any increased intensity of development along Bay Avenue is going to bring with it an intensification of parking. So if there is a way that we can allow for parking to occur _____.

Mr. Kovic questioned the Waterfront Commercial Zone and asked if it became B-2 or B-1.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mr. Kovic stated that from Cornwall Street to Jackson is very busy with the Restaurants and there is no parking on the streets.

Mayor Little – I thought that in a previous discussion that we had talked about leaving Waterfront Commercial as it was on the southern or eastern end where Bahrs landing is. I thought that the B-1 Zone was going to be the same and the B-2 Zone was going to be roughly the same and we were going to include the Huddy Park area because you do have businesses on Waterwitch that need some support and there is one undeveloped lot that needs attention. The spot in the middle she thought was going to be a transitional zone because we recognize that there are residences located there but we would want to see some development toward the future leaning toward commercial there because it would increase the interdependent uses, so that was going to be a third business district.

Mr. Kovic stated that the old Bahrs Real Estate building and the other two buildings located there should fall under the B-2 Zone so they could put residential upstairs and they are smaller lots.

Mr. Truscott – there was some discussion of adding that triangle area in the zone.

Mr. Nolan stated that we want to add that triangle in there.

Mayor Little – as far as the parking, she thinks that with going up with the height requirement left an option for someone who was going to do all commercial to have parking underneath instead of retail on the first floor.

Mr. Mullen stated that developers have the option of either raising their building or flood proofing their building at grade. Given that choice they would probably do it at grade so that they could have a viable commercial space which he further explained.

Mr. Kovic then questioned a zoning application for a commercial building that provided parking on the first floor.

Mr. Manrodt – if you start allowing apartment, that's what we were trying to eliminate because we are trying to eliminate rentals.

Mr. Mullen stated that Master Plan identifies rentals are not to be encouraged. He thinks that if you increase the density of residential in that area then the parking area is going to be take away from the commercial space, that's the problem. As an assessor use it makes sense but if becomes the primary use which he feels will happen with approving four story buildings in a commercial zone, it will be residential development.

Mr. Stockton explained that we have to pay attention to the FEMA flood zones and the DEP's flood hazard area that may limit what you are allowed to do.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mayor Little stated that we have to look forward to uses with low impact to residents such as professional uses. She spoke about the need to increase the height to allow for four story buildings.

Mr. Kovic spoke about South Second Street and that ten years ago it was supposed to be angled parking.

Mayor Little stated that we can recommend the demolition of the former sewer plant and create more parking possibly a two story parking structure.

The Board discussed parking.

Mayor Little spoke about a five foot setback on the third and fourth floors to break out the façade so that the buildings would not have a corridor effect. She stated that we need to allow for the height to accommodate the desired square footage in a building.

Mr. Mullen stated that if you develop combined lots it may change the need for the height.

The Board continued to discuss amendments.

Mayor Little spoke about how she wants to entice corporate tenants here. She spoke about having retail or parking on the first floors and office space on the second and third floors and residential on the fourth floor.

Mr. O'Neil spoke against having six or seven residential tenants in a building.

Mr. Nolan – we can limit it to no more than two floors of residential with two apartments in total.

The Board discussed the issue of allowing residential use in this business district.

Mr. Serpico spoke about having a ratio of residential to business uses that is used in another town. He referred to Asbury Park and how they have a ratio.

Mayor Little stated that along Bay Avenue we need to permit hotel use in the B-1 Zone and maybe Waterfront Commercial may already permit it.

Mr. Kovic spoke about Miller Street.

Mayor Little explained that they spoke about decreasing density with a tax abatement for Miller Street. They wanted to get to business on Miller but there is so much residential there. She would like to see Miller as business.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mr. Kovic stated that he would like to see Miller as an artsy business like area.

The Board continued to discuss amendments.

Mayor Little stated that in 1997 there was an ordinance placed on the books and its exactly what we were trying to accomplish and it's been on the books for the past eleven years. She does not know if it's been used so we can take advantage of that. It designates the entire town as a Rehabilitation Zone. So it's already done and the question is what do we want to do with it by way of redevelopment plan.

The Board spoke about the 1997 tax abatement ordinance.

Mr. Serpico stated that if the ordinance is done we need to make sure that the ordinance is stale.

Mayor Little – the 2004 Master Plan has language about 51% of the property was more than 50 years old.

Mr. Mullen spoke about ordinance O-97-06.

Mr. Truscott then stated that maybe the thought might be to amend Ordinance O-97-06 to this to have certain areas priorities. Maybe certain areas would have certain priorities or units that have a decrease in density may have a priority.

Mr. Nolan – I agree with Mr. Mullen, let's get rid of the conversion into Multiple and maybe raise the dollar amount.

Mayor Little – perhaps in addition to recommendations to amend the Master Plan we can make some recommendations here at the Planning Board level as to what we would like to see as amendments to this ordinance. She thinks that if a homeowner wants to be eligible for a tax abatement they need to come forward and prove that they have reduced density. She then asked Mr. Truscott if we need to include any reference to Redevelopment Plans going forward as suggestions.

Mr. Truscott – yes you could.

Mayor Little – perhaps Miller Street as Mr. Kovic suggested or perhaps there are other areas in town that we may want to reference.

Mr. Manrodt was not happy with the term redevelopment because of eminent domain.

Mayor Little – they use the term redevelopment plan and eminent domain does not come in place because it's any power but eminent domain which she further explained. She said that we need a Redevelopment Plan to show the public where we want to go. She stated that we need to encourage a different use on Miller Street.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mr. Serpico asked if Mr. Truscott was going to have Envisioning Sessions with the public.

Mr. Truscott –I was not planning on it, no. I was going to come back to the board with a draft report and amendments based on what I heard tonight and then present it to the board for discussion and if their happy with it then we can start to get the public input.

Mr. Mullen does not see the necessity to have commercial on Miller Street.

The Board had a discussion.

Mayor Little – what I am hearing is that there are two different opinions being voiced as to what to do with Miller Street.

Mr. Mullen – I don't know if we came to a decision about the feelings of the board with regard to the development of what portion of a commercial lot can be developed for residential purposes in this zone. Another thing is the height it's a big leap for us. We've had a 36 foot height limitation in this municipality on Bay Avenue for the past 20 years and nobody has built that high yet. He thinks that a three story building is three twelve foot floor buildings is a reasonable development.

Mayor Little – can you get a 2,000 to 2,500 square feet?

Mr. Mullen – 2,000 square feet is a 40 by a 100 foot _____.

The Board discussed height and residential uses in the commercial properties.

Mr. Mullen spoke about limiting the height to three stories, maybe 40 feet.

Mayor Little spoke in support of increasing the height to allow for four stories with a loft style residential use on the fourth floor.

Mr. Kovic spoke about having angled parking on South Second Street.

Mr. Nolan spoke favorably about increasing the building height to allow for four stories.

Robert Keady, P.E. of T & M Associates was sworn in and described his professional qualifications.

Mr. Keady stated the following:

1. Parking – angled parking on South Second Street perhaps we can maximize the parking and perhaps that something we can look into doing in other locations.
2. Infrastructure – all of these uses will have an impact so we may have to think about some kind of contribution that a developer's has to make to an infrastructure improvement fund.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mr. Nolan – the original proposal had a 3% of total project fee.

The Board discussed contributions to an infrastructure improvement fund.

Mayor Little stated that she looked into an alternative of connecting through Sea Bright for sewer.

Mr. Keady stated that the developer would have to also do the study to see if there was sewer capacity.

The Board spoke about coming up with a percentage for the residential portion and a percentage for the commercial portion of the buildings.

Mayor Little spoke about economic development stimulation in the Borough. She stated that we need to get into Professional Services downtown to stimulate the demand for retail which she further explained.

Mr. Mullen stated that if the residential component is greater than half then you would be diluting that vision of Mayor Little by putting another demand for parking and access and incompatibility with the tenants and the commercial.

Mr. Keady – you can limit it to 40% or maximum on fourth floor.

The Board continued to discuss the amendments.

Mr. Truscott stated that he has an idea of what the board is looking for.

Steep Slope Ordinance – Review Environmental Commission Comments

Mayor Little informed the board that she is sending out a letter to the Shade Tree Commission urging them to have a meeting and review the Steep Slope Ordinance and to submit their comments.

Mr. Manrodt suggested that the Board wait to receive the Shade Tree comments on the Steep Slope Ordinance, perhaps in December.

Mr. Mullen stated that the Washington Township Ordinance that was previously reviewed might be in keeping with the boards original goals. He suggested that the board look at it.

Mr. Kovic – I still feel that we have to separate steep slope and slump block which he further explained.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

Mr. Mullen thinks that it's important to identify areas.

The Board discussed the Steep Slope Ordinance.

Mr. Nolan – it's important to identify the steep slope and slump block areas.

Mr. Stockton – we will continue the steep slope discussion at the December meeting.

Board Engineer Appointment:

Mr. Manrodt stated that Robert Bucco, P.E. of T & M Associates has resigned.

Mr. Serpico stated that this discussion is permitted to be discussed in Executive Session.

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

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

Personnel Matter: Board Engineer Position

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
5. Deals with purchase, lease or acquisition of real property with public funds.

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
8. Related to investigation of violations or possible violations of the law.
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Seconded by Mr. Manrodt and all were in favor.

The Planning Board then entered into Executive Session at 9:15 P.M.

The Planning Board returned to the Meeting at 9:21 P.M.

Board Engineer Resolution:

Mr. Nolan offered the following resolution and moved its adoption:

RESOLUTION APPOINTING BOARD ENGINEER

WHEREAS, on January 10, 2008 Robert Bucco, P.E. of the firm T&M Associates, 11 Tindall Road, Middletown, NJ 07748 was appointed Planning Board Engineer of the Borough of Highlands; and

WHEREAS, Robert Bucco, P.E. is no longer with T&M Associates and the Borough of Highlands Planning Board desires to continue using a professional engineer associated with that firm;

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the firm of T & M Associates be and hereby is appointed Board Engineer of the Borough of Highlands Planning Board for the unexpired term of Robert Bucco, P.E. expiring on December 31, 2008.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. O'Neil, Mr. Nolan,
Mayor Little, Mr. Harrison, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Mullen stated that as discussed both Mr. Venezia and Mr. Keady will both attend the Board Meetings.

Approval of Minutes:

Mr. Manrodt offered a motion to approve the September 11, 2008 Planning Board Meeting Minutes, seconded by Mr. Nolan and all eligible board members were in favor.

Communications:

Mr. Stockton reviewed some communications about upcoming seminars and informative meetings.

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

The Meeting adjourned at 9:24 P.M.

CAROLYN CUMMINS, BOARD SECRETARY

**Borough of Highlands
Planning Board
Regular Meeting
October 9, 2008**

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