

**Borough of Highlands
Planning Board
Regular Meeting
December 11, 2008**

Mr. Stockton called the meeting to order at 7:44 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. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Stockton,
Mr. Harrison, Mr. Schoellner**

Absent: Mr. O'Neil, Mr. Cefalo, Mr. Nolan, Mayor Little

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

**PB#2008-1 Sandy Hook Developers
Block 101 Lots 27, 17.02, 27.01 – Willow Street**

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

The Board had a discussion about the fact that this was a site plan application for the purpose of adding additional commercial uses to the site and now that the application has been withdrawn the proposed additional commercial uses cannot exist. The Board also spoke about prior approval deficiencies and outstanding escrow fees do on this application.

Mrs. Cummins informed the board that the letter from the application withdrawing this application was forwarded to the Code Enforcement and Zoning Officer and the Code Enforcement Officer sent a memo to the applicants Attorney about uses on the site.

Mr. Serpico – at some point the Zoning Officer can go out and site the applicant for non-compliance issues and take him to Municipal Court for non-compliance of a prior approval and also for conducting uses that have not yet been approved.

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

**RESOLUTION GRANTING THE APPICANT'S REQUEST TO WITHDRAW THE SITE
PLAN AND VARIANCE APPLICATION FOR BLOCK 102, LOTS 17.02, 27 & 27.01**

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WHEREAS, Sandy Hook Developers, LLC, hereinafter referred to as the applicant is the owner of the above captioned lots; and

WHEREAS, the applicant has filed an application for preliminary and final site plan approval with variances with the Planning Board of the Borough of Highlands; and

WHEREAS, the applicant through Counsel has requested in writing (a true copy of the letter dated October 31, 2008 is annexed hereto and made a part hereof), that the application be withdrawn; and

WHEREAS, the applicant has a shortage in its escrow account with the Board in the amount of \$3,092.00, for outstanding fees due to the Board Engineer as of this date: and

WHEREAS, the applicant was notified of the escrow deficiency by the Board Secretary on or about May 21, 2008 and there has been no notification pursuant to the MLUL that the applicant disputes the fees.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that pursuant to the request made on behalf of the applicant, the application mentioned above is hereby dismissed, however this Board will not allow this application to be re-instated nor will the Board accept any new applications from the applicant for the subject property until such time as the escrow shortage is paid. In addition to the foregoing the Board intends to refer this matter to the Borough Attorney and/or the Board Attorney in order to commence collection proceedings to recover the escrow shortage.

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

ROLL CALL

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Harrison,
Mr. Schoellner, Mr. Stockton

NAYES: None

ABSTAIN: None

**PB#2008-4 Huhn, John
Block 14 Lot 2.014 – 22 Grand Tour**

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

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

**RESOLUTION GRANTING THE APPLICANT’S REQUEST TO WITHDRAW THE
APPLICATION TO EXCISE A CONDITION OF A PRIOR SUBDIVISION APPROVAL
FOR BLOCK 14, LOTS 2.014 WITHOUT PREJUDICE**

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WHEREAS, John Huhn, hereinafter referred to as the applicant is the owner of the above captioned lots; and

WHEREAS, the applicant has filed an application to excise a condition of a prior subdivision approval with the Planning Board of the Borough of Highlands; and

WHEREAS, the applicant has requested in writing, that the application be withdrawn.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that pursuant to the request made by the applicant, the application mentioned above is hereby dismissed without prejudice.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Harrison,
Mr. Schoellner

NAYES: None

ABSTAIN: Mr. Stockton

**PB#2008-2 Britton, Ryan
Block 16 Lot 2.01 – 39 Grand Tour
Request for Extension of Time to Perfect Subdivision**

The Board reviewed a written request for the extension of time and reviewed the Resolution granting this.

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

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

**RESOLUTION EXTENDING THE TIME TO PERFECT THE MINOR SUBDIVISION
GRANTED TO RYAN BRITTON FOR BLOCK 16, LOT 2.01**

WHEREAS, the applicant referred to above is the owner of the above mentioned lot, which lot is located in the R-1.03 Zone; and

WHEREAS, the applicant has applied for a 2 lot minor subdivision that was granted with conditions by the Board on April 10, 2008; and

WHEREAS, the Board adopted a written Resolution memorializing the foregoing on May 15, 2008; and

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WHEREAS, Section 47 of 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 180 days in order to comply with the conditions of the approval and deal with the effects of the current economic conditions; 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 November 21, 2008, to May 30, 2009, pursuant to the statute set forth above.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Bahrs, Mr. Harrison, Mr. Schoellner

NAYES: None

ABSTAIN: Mr. Kovic, Mr. Mullen, Mr. Stockton

**PB#2007-1 Scaturro
Block 3 Lots 6 & 7 – Portland Road
Request for an Extension of Time to Perfect Subdivision**

The Board reviewed the written request for an extension of time and reviewed the Resolution granting it.

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

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

**RESOLUTION EXTENDING THE TIME TO PERFECT THE MINOR SUBDIVISION
GRANTED TO CHARLES M. SCATURRO IRREVOCABLE TRUST & ROSARIO
SCATURRO IRREVOCABLE TRUST FOR BLOCK 3, LOTS 6 & 7**

WHEREAS, the applicants referred to above are the owners of the above mentioned lots, which lots are located in the R-1.03 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 February 14, 2008; and

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WHEREAS, the Board adopted a written Resolution memorializing the foregoing on March 13, 2008; and

WHEREAS, Section 47 of 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 one (1) year in order to comply with the conditions of the approval and deal with the effects of the current economic conditions; 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 one (1) year from September 19, 2008, to September 19, 2009, pursuant to the statute set forth above.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Harrison, Mr. Schoellner,
Mr. Stockton
NAYES: None
ABSTAIN: Mr. Bahrs

Steep Slope Review

The Planning Board reviewed the Borough's Steep Slope Ordinance and the sample ordinances from Atlantic Highlands and Washington Township and the Highlands Environmental Commission comments.

Mr. Mullen suggested that the board have their Professional write the ordinance amendment for Steep Slopes.

Mr. Serpico stated that it was acceptable for the Planning Board to prepare a draft ordinance to send to the Council.

The Board had a discussion about the Steep Slope draft ordinance amendment being prepared by the Planning Board.

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The Planning Board directed Mr. Venezia of T & M Associates to prepare a cost estimate for the preparation of an ordinance amendment for the Board to review and approve at the January 2009 Board Meeting.

Mr. Stockton then directed the Board Secretary to send a Memo to the Governing Body indicating that the Planning Board has recommendations ready and that we want to provide it in a better format in a form of a draft ordinance and that it will take approximately three months to finalize.

Mr. Mullen also mentioned that the borough ordinance concerns with regard to the Johnson litigation matter. Specifically the design standards with lots. He spoke about Section 21-65.2 (d) of the land use ordinance with regard to suitability of lots and another section of the ordinance that refers to access to lots.

Mr. Kovic wanted to make sure that we separate steep slope from slump blocks.

Mr. Stockton reviewed the board recommendations which the Board Engineer should use to put together his cost estimate for the draft ordinance for Steep Slope.

Mr. Venezia stated that he was unclear of what the goal is for this amendment.

Mr. Mullen – in general he recollects that that the Atlantic Highlands Ordinance is one that reduces the impact of developments on the site with regard to the amount of steep slope that you have which he further explained that there are a lot of faclures for lot coverage, building coverage.

Mr. Stockton – it reduces the lot area down to a left over buildable area.

Mr. Mullen – it also increases the lot size required per building. There was a lot of math involved and he does not think that we can do that because we have a fully developed town and we need to get something that works for our town and he does not think that the Atlantic Highlands is the one.

The Board continued to discuss the other sample ordinances.

Mr. Stockton – the Board Secretary will send a Memo to the Mayor and Council to let them know that we do have recommendations and that we would like to build those recommendation into a better format and that will take about three months.

Mr. Mullen offered a motion to authorize the Board Secretary to send a memo to the Council about the steep slope and asking for a three month time line, seconded by Mr. Schoellner and approved on the following roll call vote:

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Harrison,
Mr. Schoellner, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Manrodt offered a motion to authorize the Board Engineer to prepare a cost estimate for the preparation of a draft Steep Slope Ordinance, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Harrison,
Mr. Schoellner, Mr. Stockton

NAYES: None

ABSENT: None

Approval of Minutes:

Mr. Manrodt offered a motion to approve the November 13, 2008 Planning Board Meeting Minutes, seconded by Mr. Kovic and all were in favor except Mr. Bahrs who abstained.

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

The Meeting adjourned at 8:17 P.M.

CAROLYN CUMMINS, BOARD SECRETARY