

**Borough of Highlands
Planning Board
Regular Meeting
January 8, 2009**

Mr. Stockton called the meeting to order at 7:37 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 Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton, Ms. Peterson

Absent: Mr. Roberts

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

Mr. Manrodt requested a moment of silence for the recent passing of Alfred Marker a longtime Planning Board Member.

Reorganization:

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

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING CHAIRPERSON
FOR THE YEAR 2009**

BE IT RESOLVED by the Borough of Highlands Planning Board that Andrew Stockton be appointed Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2009.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton

NAYES: None

ABSTAIN: None

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

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PLANNING BOARD RESOLUTION
DESIGNATING VICE CHAIRPERSON
FOR THE YEAR 2009**

BE IT RESOLVED by the Borough of Highlands Planning Board that Donald Manrodt be appointed Vice Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2009.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton
NAYES: None
ABSTAIN: None

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

**PLANNING BOARD RESOLUTION
APPOINTING BOARD SECRETARY
FOR THE YEAR 2009**

BE IT RESOLVED by the Borough of Highlands Planning Board of the Borough of Highlands that **Carolyn Cummins** be appointed Secretary of the Planning Board for a term of one (1) year expiring December 31, 2009.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton
NAYES: None
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS PLANNING BOARD
RESOLUTION APPOINTING BOARD ATTORNEY
FOR THE YEAR 2009**

WHEREAS, there exists the need for the professional legal services to be provided to the Planning Board of the Borough of Highlands for the calendar year 2008; and

WHEREAS, such professional legal services can only be provided by a licensed professional and JACK SERPICO, ESQ of the law office of Jack Serpico, Esq., is so recognized;

WHEREAS, the determination of value has been placed on file with the resolution with the Board Secretary; and

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WHEREAS, the Local Public Contract Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

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 state the circulation not more than (10) days after the passage of the Resolution is an official newspaper;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Highlands that Jack Serpico, Esq., from the firm of Jack Serpico, Esq., be appointed Planning Board Attorney for the term of one (1) year expiring December 31, 2009. The person appointed is a member of a recognized profession and it is not possible to obtain competitive bids; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in an official newspaper of the Borough within ten (10) days of its passage.

Seconded by Mr. O'Neil and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton

NAYES: None

ABSTAIN: None

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

**RESOLUTION AWARDING CONTRACT
FOR PROFESSIONAL LEGAL SERVICES
TO JACK SERPICO, ESQ.**

WHEREAS, there exists the need for Professional Legal Services to be provided to the Planning Board for the period of January 1, 2009 through June 30, 2009; and

WHEREAS, such Professional Engineering Services can only be provided by licensed professionals and Jack Serpico, Esq. of the firm of Jack Serpico, Esq, is so recognized; and

WHEREAS, Jack Serpico, Esq. of the law office Jack Serpico, Esq., was appointed as Planning Board Attorney for the calendar year 2009 on January 8, 2009; and

WHEREAS, Jack Serpico, Esq. of Jack Serpico, Esq. has submitted the attached 2009 contract for approval; and

WHEREAS, the Planning Board has reviewed and hereby approves of the attached contract.

WHEREAS, the determination of value has been placed on file with this resolution with the Board Secretary; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

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WHEREAS, certification of the availability of funds is hereby made as follows:

Account #1141 -3755 \$ 3,375.00
For Legal Services for the Period of January 1, 2009 through June 30, 2009.

Stephen Pfeffer, CFO

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

1. Jack Serpico, Esq., of the law office of Jack Serpico, Esq., is hereby awarded a contract for professional legal services to be provided to the Planning Board for the period of January 1, 2009 through June 30, 2009 for an amount not to exceed \$3375.00 and that the attached contract for 2009 is hereby approved.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Board Secretary of the Borough of Highlands.
4. The Board Secretary is hereby directed to publish notice of this award as required by law. Seconded by Mr. Mullen and adopted on the following roll call vote:

ROLL CALL:

AYES: **Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton**

NAYES: **None**

ABSTAIN: **None**

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

**RESOLUTION APPOINTING PLANNING BOARD ENGINEER FOR THE CALENDAR YEAR
2009
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract to be provided to the Planning Board for the calendar year 2009 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and **Robert Keady, P.E. and Joseph Venezia, P.E.** of the firm of **T & M Associates, 11 Tindall Road, Middletown, NJ** is so recognized;

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

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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

WHEREAS, T & M Associates has submitted that attached contract for Professional Engineering services for the calendar year 2009; and

WHEREAS, the Planning Board has reviewed attached contract for Professional Engineering Services for 2009; and

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

Planning Board Budget
Account #1141-3757 - \$2,200.00
For the Period of January 1, 2009 through June 30, 2009

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts 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. Robert Keady, P.E. and Joseph Venezia, P.E. of T & M Associates is hereby appointed as Planning Board Engineer for the calendar 2009 and is awarded a professional service contract for an amount not to exceed \$2,200 for professional engineering services provided for the period of January 1, 2009 through June 30, 2009.
2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

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4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton

NAYES: None

ABSTAIN: None

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

**RESOLUTION SETTING THE SCHEDULE FOR REGULAR
MEETINGS OF THE BOROUGH OF HIGHLANDS
PLANNING BOARD
FOR THE YEAR 2009**

BE IT RESOLVED by the Borough of Highlands Planning Board that the following schedule is hereby designated as the official Regular Meeting Calendar of the Planning Board for the year 2009. The official meeting days shall be the second Thursday of each month unless otherwise noted.

February 12, 2009
March 12, 2009
April 9, 2009
May 14, 2009
June 11, 2009
July 9, 2009
August 13, 2009
September 10, 2009
October 8, 2009
November 12, 2009
December 10, 2009
January 14, 2010 Regular/Reorganization Meeting

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Municipal Building, Council Chambers, 171 Bay Avenue, Highlands, NJ at 7:30 p.m.

Seconded by Mr. O'Neil and adopted on the following Roll Call Vote:

ROLL CALL

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton

NAYES: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION**

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DESIGNATING THE OFFICIAL NEWSPAPER
FOR THE YEAR 2009**

BE IT RESOLVED by the Borough of Highlands Planning Board that the **Asbury Park Press and the Two River Times**, are hereby designated as the official Newspaper for the Borough of Highlands Planning Board publications which are required by law for the year 2009.

Seconded by Mr. Francy and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Parla, Mr. Stockton

NAYES: None

ABSTAIN: None

Steep Slope:

The Planning Board had a discussion about the goals of the Steep Slope Review and about the deadline that the Governing Body has given the Planning Board to submit their recommendations.

Mayor Little explained the goals of the 2008 Governing Body were to stabilize the slopes.

Mr. Stockton directed the Board Secretary to list this item on the February Agenda for action so that the Board can comply with the February deadline that has been set by the Council.

Mr. Venezia will identify the key points from each of the sample ordinances so it's clearly put in an outline form.

The Board then spoke about creating a Steep Slope Ordinance Sub Committee to expedite this review process to finish this review by February.

The Board had a discussion about when an ordinance amendment would become effective.

Mr. Francy stated that he will reach out to the Shade Tree Commission to get their input.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
PLANNING BOARD RESOLUTION
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
PREPARATION OF STEEP SLOPE ORDINANCE
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands Planning Board has a need for professional engineering services for the preparation of Steep Slope Ordinance

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as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,500 plus reimbursable expenses per T & M Associates proposal dated December 24, 2008 (Proposal Time Line Amended at Meeting to comply with 60 day timeline from December 17th, 2008 Council Mtg) for Professional Engineering Services for the preparation of Steep Slope Ordinance provided to the Borough of Highlands for the period of one year; 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, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from the Borough of Highlands Planning Board budget account #1141-3757

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$2,500 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary of the Borough of Highlands.
4. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O’Neil, Mr. Bahrs, Mr. Schoellner,
Mayor Little, Mr. Francy, Mr. Parla, Mr. Stockton

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Manrodt offered a motion to create a Steep Slope Sub Committee consisting of the following four board members: Mr. O’Neil, Mr. Mullen, Mr. Stockton, Mr. Francy, seconded by Mr. Schoellner and all were in favor.

The Board had a discussion with Mr. Venezia about the need to have two sub-committee meetings regarding the steep slope so that we are ready for the February meeting. The Board requested that the draft be prepared before the next meeting and should be included in the February Meeting Packets.

The Sub Committee scheduled a meeting for January 22, 2009 at 7:00 P.M. in the Court Room.

Mayor Little – I think that the Council is looking for a staple slope and they are hoping that the Shade Tree will help with aesthetics. The fear that she heard expressed by the Council last year was that development on the slope could destabilize it and there would be bodily harm and property damage. So that is where the Council was focused.

The Board spoke about the Atlantic Highlands ordinance which may be too restrictive.

Mr. Venezia stated that there are certain areas with slump blocks that may be we need to pay special attention.

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The Board further discussed the sample ordinance and what language would be needed to satisfy any challenge to the ordinance.

Mr. Serpico explained that you cannot have vague language in the ordinance; it has to be exact language.

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Master Plan Amendment Discussions

Marty Truscott, P.P. of T & M Associates was present and spoke with the Board about the Master Plan Amendments.

Martin Truscott, P.P. of T & M Associates was sworn in and stated the following:

1. He was before the Board back in November and now he is here tonight to hear comments from the Planning Board.
2. He suggested that the Planning Board create a subcommittee to review the amendments.
3. He gave brief description to the new board members of the amendments. He stated that back in fall the Borough Council asked T & M Associates to look from a Planning standpoint at Bay Avenue commercial corridor and to revisit some of the business zone boundaries. The amendments are to change zone boundaries, increase building height on Bay Avenue, revitalize Bay Avenue corridor.
4. Mr. Truscott then passed around two 8 by 11 color photo's to give a visual of the proposed new building height.

The Board then briefly discussed a prior Zoning Board Application for a hotel on Bay Avenue across from the Huddy Park.

The Board spoke about the new flood hazard rules for development.

Mayor Little – can you translate interior square footage into building height.

Mr. Venezia – you can limit the F.A.R. (floor area ratio).

Mayor Little expressed her goals for square footage along Bay Avenue.

Ms. Peterson questioned the reason for proposing four stories along Bay Avenue.

Mayor Little – we are looking for enough height to produce enough office space.

Mr. Francy spoke about building height.

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Mr. Mullen stated that currently our building lot coverage is 35%. We should change building lot coverage to 90% so you may not have to build four stories. Parking, don't have to have on-site parking. Allow people to build fuller lot coverage and allow them to enter from the rear and maybe the town could provide public parking or the parking could be adjacent.

Mayor Little – there has been discussion of demolishing the old sewer plan to provide parking.

Mr. Mullen thinks that if you are going to do multi-level parking you should come off of the Highway and enter the top of the lot and then come down by Branin's lot and that could be a drive in parking lot which would also become another entrance to the town.

Mayor Little stated that Mr. Mullen's suggestion is an excellent recommendation that could be made in the Master Plan Report.

Mr. Serpico explained the importance of addressing parking.

Mayor Little – a multi-level parking is a long term goal of the Borough which she further explained.

Mr. Stockton – we should create a subcommittee to work with T & M Associates to come up with recommendations.

Mr. Parla, Mr. Mullen, Mr. Schoellner, Ms. Peterson all volunteered to be on a Master Plan subcommittee.

The Board discussed a time frame for the master plan recommendations report. It was determined that T & M Associates should meet with the subcommittee and come back with a report in 90-days and supply a status report at the March Meeting.

Mr. O'Neil questioned what the ratio was for residential.

Mr. Mullen – I think that the report was for 75% residential for four story buildings and he questioned that.

Mr. Francy – stated that he is for less than 50% residential.

Mr. O'Neil – it should be less than that.

Mayor Little – we can't create a situation to destabilize existing property owners.

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Mr. Stockton – we are going to have to put something out there in order to spark some interest from the stakeholders.

Mayor Little – I think we would have more success once we are finished meeting with Realtors than with developers directly. If we are encouraging development it should be for the purpose of improved commercial uses to have a more dynamic economy.

Mr. Francy spoke about residential/commercial ratio. He thinks that Mr. Nolan and Mr. Urbanski referred to 1/3rd limit on residential.

Mayor Little – one third does not offend her.

Mr. O’Neil suggested that Mr. Urbanski attend the subcommittee meetings.

Mayor Little stated that she will appoint Mr. Urbanski to attend the subcommittee meetings.

Mr. Stockton – we need a vote on the subcommittee and we have a request for a status report from the subcommittee within 60-days and a target date of 90-days to finish this.

Mr. Manrodt offered a motion to create a Master Plan Subcommittee consisting of Mr. Mullen, Mr. Schoellner, Mr. Parla, Ms. Peterson, seconded by Mr. Francy and for the subcommittee to submit a status report within 60-days and a target date of 90-days to finish this. This motion was approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. O’Neil, Mr. Bahrs, Mr. Schoellner, Mayor Little,
Mr. Francy, Mr. Parla

NAYES: None

ABSTAIN: None

Mr. Serpico volunteered his time at no expense to the board to attend the Master Plan Subcommittee meetings and the board accepted his request.

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Approval of Minutes:

Mr. Schoellner offered a motion to approve the December 11, 2008 Planning Board Meeting Minutes, seconded by Mr. Mullen and approved on the following roll call vote:

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ROLL CALL:

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

NAYES: None

ABSTAIN: None

Communications:

Mr. Stockton informed the newly appointed board members that they are required to take a course for Board Members.

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

The Meeting adjourned at 9:03 P.M.

Carolyn Cummins, Board Secretary