

**Borough of Highlands
Planning Board
Regular Meeting
February 12, 2009**

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 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. Schoellner, Mr. Parla,
Mr. Stockton, Ms. Peterson, Mr. Roberts**

Late Arrival: Mayor Little arrived at 7:38 P.M.

Absent: Mr. Francy

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

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

Mayor Little arrived to the meeting.

**Present: John Lane, Esq.
Applicant**

Mr. Lane stated that the revised plan that was submitted only has one new variance which is for parking. This is for a takeout restaurant which should have a different parking requirement verses regular restaurant parking requirements. The old architectural plans have not changed the only change was on the site plan. They are deleting the office and will submit revised architectural. He stated that there are existing occupied apartments on the site.

Mr. Stockton – the Board Engineer letter indicates that the application is complete. He did request that the applicant submit revised architectural eliminating the office.

Mr. Lane further explained the updates on the site plan.

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Mr. Mullen wanted to know how the garbage will be dealt with and stated that the curb cut may not align with driveway and that the drawings should agree. He also requested that the exterior lighting be addressed.

Mr. Stockton requested that sign details be provided.

Mr. Serpico advised Mr. Lane that he needs to submit a letter correcting the name on the application.

Mr. Manrodt offered a motion to schedule this matter for a public hearing on March 12, 2009, seconded by Mr. Mullen and approved 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, Ms. Peterson**

NAYES: None

ABSTAIN: None

**PB#2009-1 Highlander Dev. Group, LLC
Block 105.107 Lot 1.01
Application Review & Set P.H. Date**

Present: Paul Drobbin, Esq.

**Conflicts: Mr. Manrodt
Mr. Stockton
Mr. Bahrs
All stepped down for this matter**

Mr. Mullen chaired this portion of the meeting.

The Board reviewed the application and the following comments were made:

1. The Board Engineer letter deemed the application complete.
2. Mr. Serpico briefly discussed the W. Eaton, Esq. letter regarding relocation compliance for this project. He stated that he will research this issue and render an opinion on this at the next meeting. Mr. Drobbin stated that he understood it would be a condition of approval with regard to relocation compliance.
3. They will be prepared to discuss soil contamination, borings for hearing.
4. Steep Slope - the applicants are not seeking variance approval only design waivers and they will have expert testimony on this issue.
5. Sewer Capacity – applicant needs to supply letter from AHHRSA.

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6. Applicant to provide distribution of units, how many one bedroom units and the number of two bedroom units.

7. Mr. Mullen mentioned there is a NJDEP Soil Analysis Report of the adjacent property and questioned soil borings of the subject site. Mr. Drobbin stated that they will be prepared to discuss that at the hearing.

8. Mr. Serpico stated that Mr. Drobbin needs to provide the board with a copy of the Certificate of Formation of the LLC and a certification as to who the members are.

The Board felt that the application was very complete.

Mr. O'Neil offered a motion to schedule this matter for a public hearing on March 12, 2009, seconded by Mr. Parla and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mayor Little, Mr. Parla,
Ms. Peterson, Mr. Roberts

NAYES: None

ABSTAIN: None

Mr. Stockton, Mr. Manrodt and Mr. Bahrs all return to the meeting table.

Mr. Stockton called for a roll call.

ROLL CALL:

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

Absent: Mr. Francy

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

Mr. Truscott wanted to discuss the sub-committee meeting notes from the Master Plan Sub Committee Meeting of January 29th. At that meeting they discussed the revitalization of Bay Avenue issue. Originally the sub-committee was sent to look at the reexamination report to see what needed to be revised, what needed to be changed and what needed to be added. The sub-committee came to the conclusion that we need to do visioning sessions to get some public comment before they could finalize anything. So the sub-committee decided that it will first be going out to the business community to get their comments. There is a tentative date of February 24th and before they do that he wanted to come here to ask the entire board if they are supportive of going this route with visioning session meetings. He explained that there could be possibly three or four meetings and that we may need to set a new timeline for this.

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Mr. Mullen – there was a letter that the Board received from Mr. Takian who wants to talk about the amendments. He suggested that he also be invited to the visioning sessions.

Mr. Bahrs asked Mayor Little if the timeline for this would be consistent with the wishes of the Council.

Mayor Little – I think that the Council wants to move forward with revitalization as soon as possible; however, they want to make sure that it is done in an appropriate way. So she does not think that Visioning Meetings will be contrary to the intentions of the Borough Council in supporting the revitalization. By way of comments to the meeting notes on the issue of flooding, there has been significant movement on the part of the Council. We have a five/zero commitment to getting that done. They have gone so far as to bond out soft costs as well as hard cost so that we would be able to accomplish it over a two year period and there is a specific design in place that would accomplish dry down town conditions. FEMA requirements would remain the same, the FEMA map would remain the same; however keeping down town dry is necessary to the revitalization process.

Mr. Bahrs questioned the time frame to complete this process.

Mayor Little – perhaps we can have a Status Report on March 12th and also provide it to the Council for their March 4th Workshop Meeting so that the Council gets look at the time frame and we can find out if there are any issues with time from the Council.

Mr. Truscott stated that he is trying different methods to get the NJDEP to come to discuss flood regulations.

The Board had a discussion about the sub-committee scheduling Visioning Sessions and the time frame for this.

The Board was supportive of the sub-committee having meetings to obtain public input.

Mr. Truscott will submit a status report for the March 12th Planning Board meeting and will provide it to the Governing Body to review at their March 4th Work Shop Meeting.

Steep Slope Ordinance – Review & Make Recommendations to Council:

The Board reviewed a letter on this issue from T & M Associates dated February 4, 2009 which outlined a series of recommendations based on the Steep Slope Review Sub-Committee Meeting.

Mr. Venezia went over the February 4, 2009 letter of recommendations.

The Board had discussions about the recommendations.

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Mr. Serpico explained that we have a generic resolution that we could adopt tonight and we can attach the T & M letter of recommendation to the resolution and forward it on to the Mayor and Council.

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

**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 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 and received comments from Board members, the Board Engineer and Attorney and a report from a Board subcommittee.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby concludes that the ordinance is not inconsistent with the Borough Master Plan and the Board adopts the findings and recommendations set forth in the report of T & M Associates, dated February 4th, 2009, annexed hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Board hereby directs the Board Secretary to transmit said findings and 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.

February 4, 2009
Revised February 13, 2009

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STEEP SLOPE ORDINANCE RECOMMENDATIONS**

The following is our understanding of the Steep Slope Ordinance Sub-Committee's recommendations based upon the sub-committee meeting dated January 22, 2009:

1. Recommend Steep Slope Ordinance be moved from the Design Standards portion of the Ordinance to the Zoning Regulations section.
2. Maintain the current slope classification categories of 20% to 35% and greater than 35%.
3. Eliminate subjective language in the ordinance such as "as deemed necessary by the Borough Engineer".
4. Change existing ordinance wording from "plot plan" to "grading plan".
5. Grading plans shall be provided for slopes exceeding 20% and must be signed and sealed by the appropriate licensed professional.
6. Prepare a grading plan application form and checklist.
7. Forward copy of Slump Block map in the 1992 Master Plan to the Zoning Officer for his use and reference and overlay this information onto the Steep Slope Map, if feasible.
8. Steep Slope Map shall be provided to indicate slopes of 20%-35% and greater than 35%. The specified slope protection area shall also be located on this map. Blocks and lots shall also be indicated. This map should be forwarded to the Zoning Officer for his use. *Note, the Monmouth County GIS maps do not have a category for slopes exceeding 35% and this would need to be created.*
9. There shall be no disturbance of slopes exceeding 35%.
10. A Steep Slope Permit shall be required for slopes exceeding 20%.
11. Based upon discussions with the Construction Code Official regarding Uniform Construction Code (UCC) requirements for foundation plans to be prepared by a licensed Professional Engineer or Registered Architect, the UCC allows the Construction Code Official to request additional information, including plans prepared by a licensed professional, based upon specific site conditions. The Board suggests stronger language be included in the Ordinance recommending the Construction Code Official provide additional consideration to the plan preparation requirements for developments in steep slope areas.

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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. Parla, Ms. Peterson, Mr. Stockton

NAYES: None

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ABSTAIN: **None**

Approval of Minutes:

Mr. Manrodt offered a motion to approve the Planning Board Minutes of January 8, 2009, seconded by Mr. Mullen and all eligible members were in favor. Mr. Roberts was not eligible to vote because he was absent at the January 8, 2009 meeting.

Communications:

The Board reviewed the following communications which did not require any action by the board:

1. **County Clerk Memo dated 1/28/09 RE: Scaturro Subdivision**
2. **MCPB letter dated 1/15/09 RE: Expansion of Scenic By Ways**
3. **Amended PB Engineer Contract as approved**
4. **Brd Secretary Memo dated 1/14/09 to Newly Appt. Members**
5. **Port of Belford Study**

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

The Meeting adjourned at 8:46 P.M.

CAROLYN CUMMINS, BOARD SECRETARY