

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

Mr. Manrodt called the meeting to order at 7:38p.m.

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

Mr. Manrodt 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, Mayor Little,  
Mr. Francy, Mr. Parla, Ms. Peterson, Mr. Roberts

**Absent:** Mr. Schoellner, Mr. Stockton

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

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**PB#2009-1 Highlander Dev. Group, LLC  
Block 105.107 Lot 1.01  
Postponement of Public Hearing**

**Present:** Paul Drobbin, Esq., Applicants Attorney

**Conflicts:** Mr. Bahrs, Mr. Manrodt

Mr. Serpico stated that he has reviewed the public notice and finds it to be deficient and that more information is required in the notice, which Mr. Drobbin agrees with. He then recommended that this matter be carried and renoticed for the next meeting.

Mr. Drobbin agreed.

Mr. Mullen suggested that the board approve a change in venue because there is evidence that this will be a packed meeting. So he suggested that the board have the April 9<sup>th</sup> meeting at the Robert D. Wilson Community Center which is located on Snug Harbor Avenue, Highlands.

Mrs. Cummins stated that she will have to confirm availability of the Community Center with Mr. Hill tomorrow.

Mr. Drobbin stated that he plans to have a Court Reporter present for the public hearing.

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Mr. Mullen offered a motion to move this hearing to April 9, 2009 at the Community Center pending availability and that the applicant be required to renotice and republish, seconded by Mr. O'Neil and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** Mr. Manrodt, Mr. Bahrs

Mr. Mullen suggested that it would be beneficial if there are going to be objectors to know about their presentation.

Mr. Serpico stated that he knows that Mr. McComber represents an interested party and he is not sure if he is going to present any witnesses at this point but he will reach out to him and find out what his plan is for witnesses.

Mr. Mullen feels that in order for the board to be efficient in the use of consultants because some of the testimony will be of technical nature ,we will probably want to get notice before hand so that we have the appropriate professional at the meeting.

Mr. Drobbin stated that they will contact the Board Engineers office in advance so they can have the appropriate professional at the meeting.

Mr. Serpico advised Mr. Drobbin that he will talk to him between now and the next meeting to figure out what witnesses will be here and then we can figure out how much time they can have for the next meeting.

Mr. Drobbin – stated that they will have a Power Point Presentation at the public hearing.

Mr. Mullen – is there a homeowners association at the mobile park.

Mr. Drobbin does not believe that one exists.

Bill Wilkons of Scenic Drive wanted to make sure that the Board has a copy of the Geological survey that was done in this area back in 1974.

Mr. Francy – yes the board has it.

Mr. Mullen informed the public that this matter has been carried to the April 9<sup>th</sup> meeting which will be held at the Community Center at 7:30 P.M. and that public notice will be reserved and republished.

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**Master Plan Amendment Status Report**

**Present: Martin Truscott, P.P. of T & M Associates was sworn in.**

Mr. Truscott stated that he prepared a status report and he wanted to know if there were any questions on it. He stated that the Sub-Committee does plan to have another meeting on March 24<sup>th</sup> to obtain additional input from the Real Estate Community and to get some flood information and that would hopefully be the final meeting. Then the sub-committee could have a report for the Planning Board at the next meeting.

Mr. Francy questioned the requirement for the Master Plan being reviewed in 2010.

Mr. Serpico stated that what we are doing know is for a specific section so we would have to expand our scope of to cover a general exam. He suggested that the Council expand the board tasks to include a general review of the master plan.

Mr. Manrodt suggested that we discuss this at the next meeting and put in first on the agenda from 7:30-8:00 p.m.

Mayor Little stated that she will speak with the Council about adding the task of General review at the March 18<sup>th</sup> meeting.

Mr. Truscott stated that he would only need a half of hour at the next meeting.

Mr. Parla stated that the Sub-Committee plan for the March 24<sup>th</sup> meeting is to have developers and real estate type people come in to give them their take on Bay Avenue. He also stated that he wants to invite the people that attended the first committee meeting attend the March 24<sup>th</sup> meeting but only to observe and listen. Councilman Urbanski will be running the March 24<sup>th</sup> meeting.

Mr. Bahrs requested that he be copied on any sub-committee emails.

Mr. Mullen wanted to make sure that Mr. Truscott is aware of the February 12, 2009 Zoning Officer memo regarding a glitch in the Zoning Ordinance.

Mr. Truscott stated that he does have a copy of that memo.

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**PB#2008-3 Lin, Fang (8:01 p.m.)  
Block 64 Lot 24 – 214 Bay Avenue  
Public Hearing**

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**Present:**     **John Lane, Esq., Applicants Attorney**  
                  **Yong Huang, Spouse of Applicant and Owner of Property**  
                  **Frank Mileto, A.I.A., P.P.**  
                  **Bruce Jacobs, P.P. & P.E.**

**Conflicts:**    **None**

The following Exhibits were marked into evidence:

A-1:    Sheet 1 of 2 on large board – Preliminary & Final Major Site plan for Block 64 Lot 24.

Mr. Serpico stated that he has reviewed the public notice and the Board has jurisdiction on this matter. He then stated that there was one variance that was noticed for which is not necessary, it's a FAR variance and there is no requirement for that.

Mr. Huang stated the following during his testimony and response to questions from the board:

1.     He is the spouse of the applicant and the owner of the building.
2.     He currently operates a take-out restaurant in Monmouth Beach which is of the same size as the proposed.
3.     He stated that 75% of his existing business is delivery orders and about 25% are pick up orders. Pick up order customers are at the restaurant for about 10 minutes to pick up. There are a couple of his family members that work at the restaurant.
4.     The proposed will be a family business and they will all come in one car to the restaurant.
5.     There are four apartments existing in the upstairs of the building and they will remain.
6.     Deliveries to the restaurant take about 10-15 minutes and they occur about every two weeks.
7.     They will sell food and beverages.
8.     They would like the Borough Council to approve a 15 minute parking spot out in front of the store.
9.     He is not proposing eat in tables in the proposed take-out facility.
10.    There are no residential functions on the first floor of the building.
11.    He has two small tables at his restaurant in Monmouth Beach and it would be his preference to have two tables with some chairs for customers to sit at for eat in or to place their orders.

The Board had a brief discussion with the applicant and was willing to allow the applicant to have two tables in the proposed restaurant with eight chairs total to accommodate walk in customers.

Frank Mileto of 14 Beaver Brook Drive, Long Valley, NJ was sworn in.

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Mr. Mileto stated the following during his testimony and response to questions from the board:

1. He is a registered Architect in the State of New Jersey and a licensed Planner. He then described his professional background to the board.
2. He stated that he has done many Chinese Restaurants.
3. The applicant is proposing a Take-Out Chinese Restaurant. It's a kitchen for take-out and delivery food and to have a little bit of walk in traffic is a convenience for the neighborhood.
4. He stated that there will be a large kitchen with state of the art equipment and the general layout is shown on the plan.
5. The exhaust will be above the roof of the building and it will comply with State requirements for the exhaust, which is at least 10-feet from the property line.
6. They will comply with building and health requirements. There is a safety horn for the tenants to alert them of a fire or emergency.
7. They have taken all of the precautions to have it be a safe and clean operation.
8. Most of the business will be delivery.
9. The hours of operation will be 11am – 10:30pm.
10. They will comply with the sign ordinance.

Mr. Mullen suggested that the applicant use a single sign that projects both ways.

Mr. Mileto stated that this is a windy area and that a single sign that projects both ways be a problem but it's a possibility. He did not design the sign it was done by a sign company.

Mr. Lane stated that the colored photo of the proposed sign has been submitted to the board.

Mr. Mullen stated that there was a letter on this matter from the Flood Administrator that made a determination that this is not a building that is subject to a substantial improvement and therefore there were no requirements for flood proofing. Mr. Mullen wanted the applicant to be aware if you are putting all of this state of the art equipment in that he is in a flood zone and that there is a potential.

Mr. Bahrs questioned the grease traps.

Mr. Mileto explained that the plumbing code has jurisdiction on grease traps and they will install grease traps of a capacity to handle the sinks and stoves and the equipment and they get emptied periodically which he further explained.

Mr. Mullen questioned the garbage.

Mr. Mileto stated that it will be a dumpster onsite and it will not be under the stairs as shown on the plan and they will have their own carter trash pickup. It's a covered two yard container with wheels.

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Bruce Jacobs, P.P., P.E. was sworn in and described his professional and educational background to the board.

Mr. Lane – we are agreeable to every change in the engineer’s letter and will comply with it.

Mr. Jacobs stated the following during his testimony and response to questions from the board:

1. He stated that he prepared Exhibit A-1.
2. He then described the following referring to exhibit A-1.  
Parking – he described the parking lot as shown on exhibit A-1 and stated that they are going to more define the parking on-site on the rear of the site and spoke about the handicap spot. They are proposing 4-parking spaces for the residents upstairs and 1-space for the employer because they only need one vehicle. Any customers utilizing the Chinese Restaurant they would request that they be able to park on the street. The parking requirement for the site is 22 stalls required and five are provided.
3. This site is unique in the sense that in that there are residential tenants above the restaurant which is consistent with the B-2 Zone.
4. The applicant will have to petition the town Council to see if they could put a sign up on the street for 10-15 minute parking for take-out customers.
5. The applicant will contribute to the towns Parking Deficiency Fund.
6. With regard to the driveway entrance – they could widen the curb cut in the street to accommodate 24 feet.
7. The roll out dumpster will remain at the front of the site and that would have to be an enclosed location and it would not affect the parking which he further described. It would make sense to consolidate both the commercial and residential to that one pick up location.
8. They are trying to keep the existing tree that is located on the south east corner of the site.
9. They are only proposing to pave the handicapped parking stall and do a concrete walk along on the south side of the building to bring access to the residents of the building.
10. He then commented on the Board Engineers Review letter dated March 6, 2009 and stated the following:
  - C-1: Pre-existing condition
  - C-2: Pre-existing condition
  - C-3: This item is no change in the footprint, no variance required.
  - D: Drainage/Grading - will provide spot elevations
  - E-1: Lighting –they propose three wall pack units that are shielded and go right down and he will indicate them on this plan, which he further described and they would either be motion detected or from dawn to dusk.
  - E-2: Landscaping – they are requesting a waiver because they are not proposing any landscaping. He stated that there is an existing dilapidated fence along the property line and they are proposing to put 6-foot board on board fencing on three sides of the property.
  - F-3: They are asking for a waiver.
  - F-4: They will put in a handicapped parking symbol detail on the plan.
  - F-5: They need a design waiver.
  - F-6: They will provide concrete apron.
  - H-1: They will put on the plans.

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H-2: They will change to the discussed location.

H-3: They will revise the plan to indicate the correct street to read “ Valley Street”.

H-4: They will comply.

H-5: They will comply.

Mr. Mullen stated that the existing driveway is in poor condition.

Mr. Jacobs – we can put new topping of stone in.

Mr. Mullen commented on the condition of the exterior of the building as being in disrepair.

Mr. Mileto – they will make renovations to the exterior to improve the appearance.

Mr. Mullen questioned water runoff.

Mr. Mileto – once we repave with new stone the water will percolate into the ground. They will not contribute any additional water runoff.

Mr. Venezia – not going to be much more of an increase, it’s not a significant change in water runoff.

Discussion about upgrading parking lot.

Mr. Venezia – from what I am hearing the applicant is committed to repairing the existing gravel and restoring it.

Mr. Francy – the driveway comes across the Bay Avenue sidewalk and stone from the tires are going to get kicked into the sidewalk. Wouldn’t it make more sense to pave four or five feet into the driveway.

Mr. Lane – we are doing \_\_\_\_\_ for the trash area.

Mr. Francy – if that’s there then we are in good shape.

Mr. Jacobs stated the following:

11. He has reviewed the Master Plan and Zoning Ordinance and the variances being requested are not a detriment to the Zoning Plan or public good.

12. The square footage of the restaurant is 1,500 square feet.

Mr. Lane stated that the previous internal office is not longer being proposed.

Mr. Manrodt asked if there were any questions from the public; but there were none.

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Mr. Manrodt asked if there were any comments from the public; but there were none.

Mr. Manrodt closed the public portion of this hearing.

Mr. O'Neil offered a motion to approve the application with the following conditions:

1. Seating capacity be limited to two tables and eight chairs.
2. Signage – the applicant will comply with the sign ordinance.
3. Trash Dumpster will be a two yard container and it will be completely enclosed.

If garbage is a problem the applicant will either get a larger container or have the garbage picked up more often.

4. The applicant has agreed to the comments of the T & M letter dated 3/6/09 and the applicant is to install stone and railroad ties to improve condition of driveway.
5. Lighting Plan to be submitted for review and approval by the Board Engineer.
6. Applicant must make contribution to the Parking Deficiency Fund for 17 spaces.
7. The façade of the building will be cleaned up.

Seconded by Mr. Parla and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**Approval of Minutes:**

Mr. O'Neil offered a motion to approve the February 12, 2009 Planning Board Meeting Minutes, seconded by Mr. Mullen and all were in favor except for Mr. Francy who abstained.

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

The Meeting adjourned at 8:57 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**



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