

**Borough of Highlands
Planning Board
Regular Meeting
May 14, 2009**

Mr. Stockton called the Meeting to order at 7:42P.M. This meeting was held at the Robert D. Wilson Community Center located on Snug Harbor Avenue, Highlands, NJ.

Pledge of Allegiance – There was no flag therefore the Mr. Stockton did not call for a 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,
Mr. Francy, Mr. Parla, Mr. Stockton, Ms. Peterson, Mr. Roberts

Late Arrival: Mayor Little arrived at 8:12 P.M. (Recorder Machine Time).

Absent: None

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

**PB#2009-1 Highlander Dev. Group, LLC
Block 105.107 Lot 1.01
Hearing on New Business**

Mr. Stockton announced that this hearing will be stopped at 10:00 P.M. to allow the board time to take care of other agenda matters.

Present: Paul Drobbin, Esq. Applicants Attorney
R. Armen McOmber, Esq., Attorney for Pauling Jennings, Objector
Daniel Busch, P.E., Applicants Engineer
Debra _____, Court Reporter from Depo Link,

Conflicts: Andrew Stockton, Donald Manrodt, Craig Bahrs all stepped down for this matter.

Mr. Mullen served as Acting Chairman for this public hearing.

Mr. Mullen explained to the public that this is the first of probably several hearings on this application to develop a multi-family development on the Shadow Lawn site. He then explained the public hearing process to the public.

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Mr. Serpico stated that he and the Board Secretary have reviewed the notice submissions and find them to be proper therefore the Board has jurisdiction to proceed.

Mr. McOmber expressed his objections to hear this application this evening and the marking of exhibits be delayed until proper foundation is made.

Mr. Serpico – the exhibits will be marked there are not going to be entered.

Mr. McOmber spoke about the board engineer's letter dated March 9, 2009 which contained several comments and he believes that these comments bare the board's consideration prior even starting this hearing. The applicant is seeking to develop three sixteen-story buildings on an area that has suffered three slumps in the past. He then spoke about prior mudslides in the area and this issue has been recognized in the T & M Letter and the board should have slope stability information before the board hears the application, which he further explained.

Mr. Drobbin responded and stated that the applicant's experts will provide testimony and that the applicant is entitled to put on their case and present expert witnesses that will address the issues, which he further explained. He stated that the applicants Geotechnical Expert is not scheduled to be here tonight, he is scheduled for the next meeting.

Robert Keady, P.E., and Joseph Venezia, P.E., both were sworn in as Co-Board Engineers.

Mr. Keady explained that he would expect the applicant to provide the information so they can do a report. He understands that no experts will testify this evening with regard to the slope and he does not feel that this should impact the hearing this evening.

Mr. Mullen stated that he believes the stability of this site is a critical issue so he thinks the updating of the report would be material in terms of the board decision making process. So in reviewing the steep slope analysis plan the applicant will provide to the board the seismic loading situation.

Mr. Drobbin – He stated that all of the items are not necessarily preliminary and he thinks the board needs to listen to the geotechnical engineer to determine if it can be built with safety mechanisms. The Civil Engineer is here tonight to do site plan issues and existing site conditions.

Mr. McOmber stated that the board should have the information prior to a hearing to have their professionals evaluate the information and the objector should have the opportunity to review the information.

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Mr. Mullen stated that there are a couple of deficiencies in reports for the Monmouth County Planning and Freehold Soil and he wants to know if we are going to see reports to modify to meet their requirements.

Mr. Drobbin – we will be happy to provide information to the board the information as they deal with the outside agencies,

Mr. McOmber requested that with respect to the steep slope analysis plan the same be amended in writing timely so that the board experts can review it before hearing testimony on the stand. He then questioned if the applicant was requesting a design waiver for steep slopes.

Mr. Drobbin – there is a design waiver request based upon the ordinance.

Mr. Serpico explained that before the board addresses any issue that needs to be clarified or supplemented by the recommendation of our staff the board won't deliberate on it or make a decision. He stated that he would instruct the board not to but also if anything else has to come in not only will it be timely for our staff to look at it, it will be timely submitted prior to the date of the meeting so that the public can examine the documents prior to the meeting. If something comes in late and there is testimony and then it has to be looked at we will carry it to another day before a decision can be made so that the everyone in the process has time to review what's there and get a fair shake at analyzing it. So as far as a design waiver is concerned they have made that request and we haven't heard any testimony yet, we have no idea of what testimony that they will give us but we will hear it and if there is more testimony needed we will deal with it.

Mr. McOmber requested that Mr. Drobbin supply him with all future documents so that he does not need to bother the Borough Clerk with OPRA requests.

Mr. Serpico – that makes a lot of sense.

Mr. Drobbin – no problem.

Mr. Mullen explained that it's his feeling that we proceed with this matter this evening and that we deny Mr. McOmbers request.

There were no objections from the board to proceed on this matter this evening.

Mr. Drobbin stated that it's their proposal to develop this piece of property which they call the Enclave of Mt. Mitchell. He stated that they have a transcriber here this evening so that if there are any board members absent this evening that they can make transcripts available. This is an application for a site plan with a waiver for steep slope ordinance. The applicant seeks approval for the construction of 282 condominium units in three buildings. This is a no variance application and they seek a design waiver for steep slope. The property is situation in a mobile home zone.

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Mayor Little arrived to the meeting at 8:12 P.M (Recording Machine Time).

Mr. Serpico noted for the record that Mayor Little arrived to the meeting so that she does not have to review more of the transcript than she needs to.

Mr. Drobbin – the property is situated between the corner of Route 36 and Linden Avenue. The lot area is approximately 14 acres and the building area is approximately 68,900 square feet. We expect a number of experts to testify regarding various areas of expertise. These experts include but are not limited to as follows:

Daniel Busch, Professional Engineer from Maser Consulting
John Jar, Traffic Engineer from Master Consulting
David _____ Architectural Engineer
James Serpico, Geological Engineer from Master Consulting
Laura Brinkerhoff, Environmental Engineer
Paul Phillips, Professional Planner
Principal, Owner

Mr. Serpico stated that there is no relationship between himself and the applicant's expert James Serpico.

Mr. Serpico then explained that the exhibits be marred as exhibits and not as evidence.

The following documents were marked throughout the evening:

Exhibits A-1 through A-11 were marked for identification purposes at this time.

- A-1: A plan set entitled "Preliminary and Final Major Site Plan for Highlander Development Group" prepared by Daniel W. Busch, P.E., P.P. dated November 18, 2008.
- A-2: A plan set entitled "The Enclave at Mt. Mitchell" prepared by D. Minno, R.A. Dated November 7, 2008, last revised December 14, 2008.
- A-3: A plan entitled "Utility Survey for Highlander Development Group" prepared by Leonardo E. Ponzio, P.L.S. dated 10/6/08 last revised 11/11/08.
- A-4: A report entitled "Report of Preliminary Subsurface Exploration Site Feasibility Slope Stability Evaluation" prepared by James Serpico, Jr., PE. dated 1/29/09.
- A-5: A report entitled "Stormwater Management Report" prepared by Daniel Busch, P.E., P.P. dated 11/18/08.
- A-6: A report entitled "Traffic Impact Study", prepared by Nicholas J. Schaefer, P.E. And S. Maurice Rached, P.E., P.T.O.E., dated 10/13/08.
- A-7: A document entitled "Site Plan Review Application Form" signed by the applicant December 1, 2008.
- A-8: A document entitled "Checklist Site Plan".

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- A-9: A document entitled "Zoning Permit Application: for application number Z08-107, signed by Zoning Officer 12/11/08.
- A-10: A letter from the NJDEP dated August 7, 2008 regarding "Letter of Interpretation" Presence/Absence Determination".
- A-11: A letter from Daniel W. Busch, P.E., P.P., C.M.E. last revised 2/27/09.
- A-12: Large Aerial Exhibit on large Board.
- A-13: Colored rendering of landscaping plan on large board
- B-1: T & M Associate Review Letter dated March 9, 2009.

Mr. Drobbin – as we get to the exhibits he requests that the items them be marked into evidence once a foundation is made.

Mr. Serpico agreed.

Mr. Drobbin called Mr. Busch up to testify.

Daniel Busch, P.E., P.P. of Master Consultants, 331 Newman Springs Road, Red Bank, NJ was sworn in.

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

1. He gave his professional and educational background as licensed Professional Engineer. He stated that he is not a traffic expert or a geotechnical expert. Both the Board and Mr. McOmber accepted the qualifications of Mr. Busch as a licensed Professional Civil Engineer.
2. He stated that he is familiar with the site plan that he prepared referred to as A-1 dated November 18, 2008. Those plans were prepared under his supervision.
3. He described the existing site and referred to Exhibit A-12.

At 8:25 P.M. the recording machine was accidentally unplugged so the recording stopped.

4. The subject property is located on Block 105.107 lot 1.1 and consist of 14.105 acres of land. There are 114 mobile park units on the site. He described the current impervious coverage with mobile trailers in slopes of 2.8%.
5. He then referred to exhibit A-13 and stated that this was a page in the submitted plans.
6. He stated that the property is located in the MH Zone and the proposed is a conditional use in this zone and that they meet of the conditions of the criteria.
7. He described the application for 282 units in three sixteen-story buildings.
8. The proposed impervious coverage is 26.7%, where 50% is permitted and 32.3% is existing.
9. The existing site has one driveway entrance on Ocean Blvd and egress driveway on Route 36 and they propose to retain existing access on Ocean Blvd and will remove the egress driveway on Route 36.

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10. He described proposed site plan layout of the site and stated that they have looked at the ability of a fire truck to be able to circulate throughout the site.
11. He spoke about underground garages.
12. There will be a trash shoot with compactor at bottom and it will be picked up and brought to entrance on garbage pickup day.
13. He described the landscaping on the site.

8:40 P.M. the recording machine was turned back on.

14. He described the discharge for the storm water basins are to an inlet on Route 36 and an inlet on Ocean Blvd which he further described.
15. He described the layout of the proposed site plan.
15. Lighting will be on from dusk to dawn.
16. The utilities that will service the site are electric, gas, water, sewer and cable. He then described the water main location, sewer main connection. All utilities will be underground from Ocean Blvd.
17. Outside Agency Approvals – they did seek a letter of interpretation from the NJDEP and they received verification that there are no wetlands on the site (Exhibit A-10). There are a series of other NJDEP approvals required like CAFRA approval and that application has been submitted and deemed complete on April 27th. There are two other DEP applications being submitted prior to final approval which would be for water and sewer extension permits from DEP as well as the Sewerage Authority. They will provide copies of all required outside agency approvals to the Borough. He stated that the Monmouth County Planning Board requested additional information.
18. He explained that area is of mixed jurisdictions for Highway 36 and Ocean Blvd.
19. He stated that approval from Freehold Soil Conservation is required and they made application for that. Comments from Freehold Soil were made on this application.
20. Approval from the Atlantic Highlands/Highlands Regional Sewerage Authority is needed.

Mr. Mullen stated that there was a letter from the Sewerage Authority stating that there is no insufficient capacity.

Mr. Busch continued as follows:

21. He explained that the Borough of Highlands made infiltration improvements which may allow for credits for this project which he further described.

Mr. Drobbin stated that there are BEAU's available for the sewer and they can get approval for this project.

Mr. Busch continued his testimony as follows:

22. He described the property boundary lines are on Exhibit A-13 as being that of the dark green lines.

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Mr. Francy questioned the if the limits to the disturbance are a geo reference line because at this point it's hard to picture where its shown. He is looking for coordinates that would allow us to look at the site and look at the same thing.

Mr. Busch continued as follows:

23. Sheet 11 of 14 of Exhibit A-1 identifies the limit of disturbance.

Mr. Francy questioned how one would go to the site and look at this particular point. He wanted to know if Mr. Busch had a longitude and latitude for this line.

Mr. Busch continued:

24. He does not have coordinates for those points.

25. They can locate the limit of disturbance on the site by having it survey and staked down. They can establish what those coordinates are it would have to be generated.

26. He responded to a board question of access to this site being limited to vehicles. He stated that there is sidewalk along the westerly side on the blvd. He explained that there is no sidewalk connected to Route 36 because there are elevation issues. There is a comment in the Board Engineers Review letter about providing sidewalk along Ocean Blvd. There are significant number of issues to do that there are grading issues, utility poles, size and things of that nature. They don't object to attempting to try to get sidewalks installed but they can't guarantee that they will be successful in receiving approvals from the County or State. He stated that its very tight to try to get a sidewalk in.

27. Trash pickup will not be municipal, it will be private.

28. He has not received any Fire letter from the Borough. Mr. Mullen stated that an approval should be added to the list of required outside agency approvals.

29. He is not aware of any restrictive covenants on this site.

Mr. Serpico stated that submitted with part of the application was a reference of restrictive covenants in deed book 1158, page 171, 168, and book 1165 on page 366. There were easements granted to JCP &L and Jersey Bell and there was an easement agreement in deed book 3883 at page 253.

Mr. Drobbin – we will get to that information. None of that would legally impact adversely this development.

Mr. Busch continued his testimony:

30. His calculation of impervious surface is assuming the mobile units are impervious surface even though most of the mobile homes do not sit on basements. He explained that the units have a roof which means it is a structure so it's counted towards impervious coverage because the fact that they have a roof, its impervious coverage. The coverage he calculated are based upon the definition.

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31. He explained that the amount of impervious coverage is being reduced from the existing impervious coverage and that they are exempt from water quality.

32. FAR – the subterranean structures, the club house and the residential structures are added in to the FAR calculation.

Mr. Serpico stated that the T & M letter dated March 9, 2009 is being marked for identification purposes at this point.

33. He then spoke about the T & M letter dated March 9, 2009. He prepared Exhibits A-1, A-5 and A-11. He took part in providing A-7, A-8, A-9 and A-3. He is familiar with A-4 which was prepared by his office.

Mr. Drobbin wants Exhibits A-1, A-3, A-5, A-7, A-8, A-9, A-10 and A-11 all be marked into Evidence at this time based upon Mr. Busch's testimony.

Mr. McOmber objected to exhibit A-3 because Mr. Busch did not prepare it.

Mr. Serpico explained that it's been submitted as part of the application packet and that Mr. McOmber's objection is noted and that the Board Chairman will rule on it.

Mr. Mullen explained that he had no objection to A-3 being marked into evidence because typically we don't require a surveyor to testify. A survey is a factual document not a plan.

Exhibits A-12 and A-13 were also marked into Evidence at this time.

Mr. Drobbin clarified that exhibits A-2, A-4 and A-6 were not marked into evidence yet.

Lori Dibble questioned when the public would have an opportunity to ask questions of the witness.

Mr. Mullen explained that the public is given an opportunity after the witness completes his testimony.

Mr. Busch continued his testimony as follows:

34. He then reviewed T & M Associates March 9, 2009 Review Letter and made the following comments:

Items B -1 and B-4: deal with curbing and sidewalks along Ocean Blvd and as he testified to they are willing to approach the County and NJDOT to see what they can do.

Items B-2 and B-3: they will comply

Item C- 1. The plan is to have two parking spaces per unit. The idea is that each unit will be one parking space and the balance would be available for overflow and visitors. The first paragraph of C-1 is information for clarification that's it's a total of 602 parking stalls. The

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second paragraph relates to information of sewer flow calculation and parking and they meeting the parking requirement.

Item C-2: Discusses the parking count and the total is 6-2 parking stalls.

Item C-3: They will comply

Item C-4: They will comply

Item C-5 and C-6: are architectural in nature and will be addressed by another witness.

Item C-7: They will comply

Items D1 through D-4 are informational.

Item D-5, D-6, D-7, D-8 They will comply

Item E-1 They will comply

Item E-2 deals with planting of trees and they are really prohibited from placing trees along the east side of the south side of driveway of Building three because they have lights and a retaining wall in that area

Item E-3, E-4, E-5 They will comply.

Item E-6 – The answer is yes,

Item E-7 – They will comply.

Item E-8 The applicant will further described this but basically the pool has ____ edge so you can see out of the pool so it would not be appropriate to place evergreen plantings in front of that.

Mr. Keady – there could be some additional buffering to the east slighting as you see the pool patio sticks out beyond building Number two a bit. So maybe a little bit of additional buffering because he understands the comment from the view from the pool.

Mr. Mullen stated that he thinks the least attractive part of this is the exposed garage. The building is elegant but the garage is not particularly elegant so he thinks any kind of planting in that area would be appropriate.

Mr. Busch – we can certainly look into getting some buffering there.

Mr. Busch continued reviewing the T & M Review letter as follows:

Item E-9, E-10 They will comply.

Item F-1 They will provide at the time of building permits. He then described the walls.

Mr. Francy – these 16-foot walls seems to be a situation where he doesn't think that we should leave the design details up to the point of a construction permit. He thinks something like this should be looked at here at the board because it's so significant because of its location to the top of the slope. He believes that this is something that should be covered by additional reports that the engineers could study prior to construction permits.

Mr. Keady explained that Item F-7 of the T & M Report actually talks about the stability section for the area that was discussed. So it would be by our Geo Technical Engineer not himself that would provide that testimony.

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Item F-2 They will comply.

Item F-3 They will provide this

Item F-4 through F-11 will all be addressed by their Geo Technical Engineer.

Item G-1 through G-3 will be addressed by a Traffic Engineer.

Item G-4 through G-7 They will comply with all of these.

Item G-8 is a comment about providing crosswalks at the handicap crossings and they will certainly do that. The other item here is regarding considering speed tables. The area in question is in the westerly side of building three a sidewalk crosses from the east side of the road to the west of the road and continues out to Ocean Blvd. They can certainly stripe that cross walk but the ability to put a speed table in that location is not feasible, they have an inlet right at that location. There traffic engineer can further testify that generally those types of features are provided at retail facilities where there is a lot of vehicle and pedestrian traffic and that is generally not the case with a residential project of this nature. So providing the ramps certainly we have to do.

Mr. Keady expressed the need to have some sort of traffic calming measure at the discussed location. Perhaps there could be some adjustments with the drainage and location of cross walk.

Mr. Busch suggested that this be further discussed with the Traffic Engineer.

Item H-1 They will comply.

Item H-2 Is informational.

Item H-3 They will comply.

Item I-1 They will comply.

Item I-2 They will have an Environmental Consultant testify to this.

Item I-3 There is currently no easement over this.

Mr. Drobbin – we don't have a definite answer for this they will look into this item.

Item I-4 talks about solid waste recycling and there is information in the Architects Plans As to the location of the trash compactor and the trash rooms. The refuse will be collected privately.

Item I-5 talks about mountable granite block curb which they are providing throughout the site which T & M does have a problem with it off-site and it would have to be full height and comply with applicable standards and we certainly incur in doing that but on site they prefer the look of the granite block curb.

Mr. Keady explained that the concern was that mountable curbing really gives someone the idea that they can mount up and over it and we certainly wouldn't want any vehicular conflicts with pedestrians. So the thought was not to provide that mountable curbing along sidewalks or parking areas or access spots.

Mr. Busch – we can certainly do that but it's our preference that we the layback curb but if the board wants the full face curb then we can certainly do that.

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Mr. Keady stated that there are sidewalks directly abutting the proposed curb along the frontage of buildings one and two so that is one of the areas recommended not to have mountable curbing because there is no landscaping in that area.

Mr. Busch – his preference is to have the layback curb but it's the board preference.

Mr. Mullen – I think that at the entrance it seems to be problematic and it might be appropriate to have it raised there.

Item I-6 They will provide a detail for this.

Item I-7, I-8 They will comply.

Item I-9, I-10 and I-11 They will comply.

Item I-12 asked for testimony and he indicated that it would be one space per unit.

Item I-13 there will be free access to the parking garage.

Item I-14 They will comply.

Item I-15 just outlines the approvals that are required.

Mr. Busch continued his testimony as follows:

35. Explained that there is no policy to provide public access to the site.

Mr. Drobbin stated Mr. Busch has more testimony to provide and we can have him come back to finish his testimony.

Mr. Mullen explained to Mr. McOmer that Mr. Busch will come back and continue his testimony and then allow you to cross examine him. He also stated that the board will be reviewing the Environmental Commission Report for the next meeting. He also stated that nobody has seen the Phase I Environmental Assessment and he asked if the applicant is going to distribute that to Mr. McOmer the board will look at that as well.

The Board Secretary distributed to the board copies of the Highlands Environmental Report and the Phase I Environmental Report.

Mr. Mullen – there is no indication where trees are being cleared.

Mr. Drobbin stated that there is a Tree Permit that will have to get.

Mr. Francy – this brings me back to the discussion on the limits of the amount of disturbance. He would like knowledge of where the limits of disturbance are via Geo Reference data to go up and see what we are dealing with in terms of what's getting cleared and what's not getting cleared. It's very hard looking at the drawings and photographs to make that determination as the Tree Commissioner.

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Mr. McOmber – can the applicant mark the limits on grounds with stakes? To allow the board to see where the limits are.

Mr. Drobbin – am I hearing that the board wants to make a visit to the site.

Mr. Francy – yes

Mr. Serpico – well you don't do that just yet. Even in the Board Members go individually, they are not supposed to go out and inspect sites because you run into evidentiary problems, which he further explained. You would need to have everyone there, site inspections can be done but have to be done under controlled environment where we control that everyone is looking at the same thing at the same time.

Mr. Drobbin – while the application is pending I think it's a problem for anyone to go up.

Mr. Francy – the limit of disturbance is a critical issue for me which he further explained.

Mr. McOmber spoke about a possible public meeting to the site.

Mr. Serpico – we don't have to decide this issue tonight.

Mr. Mullen – back to the Environmental Commission document are there things on there that you see as problematic in terms of furnishing.

Mr. Drobbin – we haven't really looked at it yet.

Mr. Mullen informed Mr. Drobbin that he is interested in the findings and the discussions of some of the ratifications that go through the decision making process for the type of foundation that was selected.

Mr. Mullen then commented that based on looking at the audience here perhaps we can establish the meeting place as being at Borough Hall, we probably could fit at the Borough Hall.

There were no objections to having the next meeting at Borough Hall.

Mr. O'Neil offered a motion to carry this hearing to the June 11th Planning Board Meeting at Borough Hall, seconded by Mr. Parla and all were in favor.

Mr. Serpico stated that there is no need to renote.

Mr. Drobbin waived the time constraints for the board to the next meeting.

Mr. Mullen informed the public that that the testimony of Mr. Busch will be continued to the next meeting and that the meeting will be held at the Borough Hall Municipal Building.

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Mr. Stockton and Mr. Manrodt returned to the meeting.

Master Plan Amendment Discussion

Mr. Stockton asked for a roll call.

ROLL CALL:

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

Absent: Mr. Bahrs

Mr. Stockton stated that there was information in the Meeting Packet from Mr. Truscott of T & M Associates was provided to the board for discussion tonight.

Mayor Little stated that the Governing Body had authorized the Planning Board to do a more expansive Master Plan Review.

Mr. Serpico – the next step is to schedule a public hearing and serve notice.

The Board reviewed and discussed the following:

IV Specific Changes Recommended for the Master Plan and Development Regulations

* **Rev. 6 May 09**

** **Rev.8 May 09 –Marty Truscott**

The sub-committee for the 2009 master plan re-examination does not recommended any major revision to the existing Master Plan or development regulations. We do suggest the modification of development regulations within our two Downtown Business Districts (B-1 & B-2) with the intent of encouraging appropriate business development within those districts as outlined in sections A and B below, as well as suggestions for other Borough-wide modifications to our circulation and land use elements as outlined as section C below.

A. B-1 District- Neighborhood Business District

This overlay district is comprised of the properties surrounding Huddy Park and extends eastward down Bay Avenue to Washington Avenue. Our recommendations for this area are within the following five general categories:

1. Flooding –
 - a. Continue local flood mitigation efforts, which prevent tidal back up of the storm water drains.
2. Parking / Loading
 - a. Reduce or eliminate on-site parking requirements in favor of municipal parking for commercial uses. (see zoning map)

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- b. Prohibit drive-thru or drive-up uses (maintain street wall).
- c. Possibly require on-site loading berths only for some specific uses, which have intense deliveries.
- d. Limit or control the number and frequency of curb cuts, through sharing or rear entry to maintain on-street parking.

3. Uses

- a. Existing uses to remain in effect. This is to remain the “Neighborhood Business District”.
- b. New uses, within the over-lay district only, should include the following new or conditional uses.
 - 1) Hotels (carefully defined by zoning) as a conditional use;
 - a) On site parking is provided meeting a minimum of 50% of the required parking.
 - *b) Height shall be limited to 3 stories (36’) (or 4 stores 47’ if parking is provided beneath the structure)
 - c) The hotel faces Huddy Park
 - d) Typical hotel facilities are provided on-site: common rooms, lobby and the like (see hotel definition)
 - e) Commercial uses are provided on the first (grade level) floor, or the first floor above parking below the structure (retail, restaurants and the like)
 - f) Duration of stay to be max 2 weeks this may not be a “rooming house”
 - g) The unit density shall not exceeded? units/acre.
 - 2) Inns and Bed-and- Breakfasts, as a conditional use.
 - 3) Retail Sales and Service Establishments (except tattoo, guns, massage parlors and the like).
 - 4) Galleries, Studios, Craft stores.
 - 5) Medical offices
 - 6) Other uses which the “Zoning Officer” may suggest.

- c. Permit residential development above the first floor as a conditional use if:

- 1) No more than 1 floor is used for residential uses
- 2) Residential density standards are consistent with the surrounding district (8u/ac). Encourage loft-type apartments, live/work 1,200 gross sq ft.
- 3) All residential parking requirements are met “on-site” so as not to compete for municipal parking with commercial uses.
- **4) No residential uses should be permitted below commercial uses.**

4. Bulk modifications

- a. Height –
 - 1) 3 stories / 42 ft (45’ for hotels with parking below)
 - 2) Maintain street wall for commercial uses, setbacks permitted for residential uses.
 - 3) Encourage variety or rooflines to preserve small-scale look
- b. Building coverage
 - 1) 100%, unless business requires loading berth

c. FAR -

- ** 1) Increase FAR requirements for commercial uses, to be consistent with new building coverage**

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2) Create suitable max FAR requirements for both commercial and residential development.

3) Create formula for FAR in mixed-use buildings possibly encouraging commercial development on the upper floors (ie one could build more floor area for commercial than residential on upper floors).

****4) Surface parking below a structure should not count in the calculation of the Floor Area Ratio for a building.**

5. Design guidelines

a. Maintain street-line and small-scale look.

b. Re – authorize the existing “Design Guidelines Manual” and refer to these in any zoning text changes.

c. Provide first floor “exposure” for second floor business.

B. B-2 / Central Business District

This overlay district is comprised of the properties facing Bay Avenue from Shrewsbury Avenue to Valley Street. Our recommendations for this area are in the following five general categories:

1) Flooding

a. Continue local flood mitigation efforts to prevent tidal back up of storm water drains at Miller and Valley Streets.

b. Have NJ DEP make presentation to Board on flood-proofing, building elevation, and parking beneath structures.

2) Parking / Loading

a. Reduce or eliminate parking requirements for lots less than 10,000 sq ft (100’ x 100’) for commercial uses.

b. Prohibit drive-up and drive-thru uses (maintain street-wall).

c. Require loading berths only for some specific uses, which have high volume deliveries.

d. Develop standards for the screening of parking beneath structures

e. Provide diagonal parking and one-way circulation for the full length of South Second Street between South Street and North Street, with rear entries to businesses on Bay Avenue.

f. Limit or control the number of curb cuts, through sharing or rear entry, to maintain on-street parking.

3) Uses

a. All existing uses in the B-2 zone to remain.

b. New uses within the over-lay district should include:

1) Retail sales and service establishments
(except guns, tattoos, massage, etc)

2) Health and fitness establishments (yoga etc.) limited in size and only above the first floor

3) Art galleries, craft stores, studios

4) Flowers shops and retail plant stores.

5) Medical offices

c. Establish Conditional Use regulations for hotel development (currently a permitted use). Clearly, define hotel use.

d. Residential development above the first floor should be a conditional use:

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- 1) No more than 1/3 of the total floor area may be residential.
- 2) A residential density of 10 units /Ac is not exceeded.
- 3) All residential parking requirements are met “on-site”
- 4) Residential units have a, common street entry.
- 5) Provide private or cooperative roof terraces / for tenants use.
- 6) Each dwelling unit shall contain a minimum floor area of 1,000 gross sq. ft. encourage loft- type, live / work units.
- ** 7) **No residential uses should be permitted below commercial uses.**

4) Bulk Requirements

a. Height

- 1) 3 stories (42’) or 4 stories 45’ if parking is provided below the structure.
- 2) Encourage multiple rooflines to reduce scale of buildings on larger lots.
- 3) Maintain “street wall” except 4th story. A front yard setback a of 10’ for a minimum 50% of the width of the lot (structure) should be provided.

b. Building coverage

- 1) Permit 100% lot coverage for commercial uses except on uses, which require loading berths.

c. FAR (floor area ratio)

- 1) Increase FAR **to be consistent** increased building coverage.
- 2) Create suitable max FAR requirements for both commercial and residential development on the site.
- 3) Provide weighted FAR for mixed use developments to encourage a large full floor development for business uses on the 1st and 2nd floors, and lesser FAR for residential uses on the second and third floors, (which reflects rear and front yard set-backs)

- **4) Surface parking below a structure should not count in the calculation of the Floor Area Ratio for a building.**

5) Design Guidelines

- a. Maintain street line and small-scale look
- b. Provide first floor “exposure” for second floor business / offices.
- c. Re – authorize the existing “Design Guidelines Manual” and refer to these in any zoning text changes.

C. Other Borough-Wide Recommendations

1. Provide dedicated bike lane along the south side of Shore Drive from the County Park to RT 36 Bridge, possibly establish at test program this summer.
2. Provide development guidelines for hotel development “conditional use”
3. Clarify impact of NJ DEP regulations on our business districts, and add text to Zoning Ordinance as required.
4. In coordination with the Zoning Officer, establish prioritized “use group categories” from least-intense use, to most-intense use, with the purpose of letting developers know when a use is an “intensification”, requiring Planning Board Review.
5. Establish tax abatement program for the net improvements made to existing “non-conforming” multi-family structures within the Borough to encourage the their re-development into conforming uses and densities.

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6. Modify the “use regulations” within the WC-1 districts to include all of the uses permitted within the B-2 district with the exception of any conditional uses; the existing bulk regulation for the WC-1 district shall remain in effect. This will permit the expansion of business uses to the east of Shrewsbury Avenue to the bridge (especially block 38.01). Alternatively, extend the B-2 zone to include block 38.01 (currently within the WC-1 zone) but do not include It in the overlay zone.

7. Review annual reports from the “Board of Adjustment” and consider their recommendations for the change to the Zoning Ordinance.

8. Define ‘story” to clarify that regardless of use (commercial or parking) the first floor is that level closet to pre-existing grade, and add text to our Zoning schedule as recommended by the Zoning Officer.

9. Consider the introduction of light manufacturing uses which include upholstery, furniture re-finishing an the like in the B-2 zone.

10. Prepare up dates to the Zoning Ordinance which respond to the concerns of the Zoning Officer as enumerated in this letter of 16, April 2008 to Councilman Nolan.

11. Property maintenance and code enforcement are critical to improving the business district, for both occupied and vacant structures.

12. To provide funding for critical infrastructure projects, flood mitigation, and municipal parking establish a Development Fee of 3% of the total project cost for both residential and commercial developments above \$1 million. The fee is for projects town-wide.

13. Up-date “Design Guideline Manual” to include design criteria for the screening or parking below structures.

14. Adopt a “Ridge Line Protection” ordinance for the full length of the ridge running east / west from Ederle Park to Shadow Lawn. This ordnance should be incorporated into our steep slope ordinance to further control development set backs from the top of the slope, in relation to the height of the structure proposed: using a 2:1 ratio of setback to height.

***15. Restore “Mobile Home Park” as a permitted use in that portion of the MXD District known as “Paradise Park”.**

****16. Adopt a “Green Building and Environmental Sustainability Plan Element” as a separate element of the Master Plan or during the next comprehensive update of the Borough Master Plan. The “green element” was recently added by the NJ Legislature to the Municipal Land Use Law as an optional element of municipal master plans and addresses efficient use of natural resources, installation and use of renewable energy systems, impact on the environment, water reuse and conservation and other sustainable planning techniques.**

Mayor Little stated that she did review this document and noticed that there are three additional items listed under Other Borough –Wide Recommendations” which are numbers 14, 15 and 16. Number 14 she stated that she does not feel that she knows enough about this and that further study may be required. Number 15 has been the subject of litigation so she wonders about the propriety of incorporating that. Number 16 is brand new and she does not know about this item. So she is recommending that these three items be treated as separate items so as to not belabor this recommendation. She would need more information on those three items.

Mr. Parla stated that the Sub Committee did not discuss items 14,15 and 16. So he was surprised to see these items.

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Mr. Manrodt – why don't we have the subcommittee discuss these three items and have them report back to us on June 11th.

Mayor Little expressed her objection to Mr. Manrodt's suggestion. She stated that she feels that this documents is long an over coming and that we need to move this document.

Mr. O'Neil – I would second that.

Mr. Francy – items 14, 15 and 16 really are recommendations and the Master Plan is really filled with many recommendations. So at this point they can exist within the Master Plan as a recommendation. It only gets to be an ordinance if Council takes action.

Mayor Little – recommendations are made by this board after lengthy deliberation and investigation and they are made as a group sitting here, they are not just tagged on to the end a document.

Mr. Serpico spoke about how a Zoning Ordinance is supposed to be updated to match the Master Plan, which he further explained.

Mr. Mullen stated that he believes that Mr. Truscott put in for some statutory reason.

Mr. Serpico – between now and the public hearing he will take a look to see if this is a required element of a master plan.

Mr. Mullen stated that he agreed that the last three items were items that were not part of the discussions so he does not have a problem with striking them.

Mr. Stockton questioned section A number 3-b language about building height. If a parking level counts as one of the stories of a structure.

Mr. Mullen – I think we recommended that every floor above grade is considered a floor in terms of the established height of the structure. He also stated that he thought in the B-1 Zone that hotels were the greater height.

Mr. Stockton – can we make that part of that recommendation that a parking level being considered part a building story.

Mr. Francy – we need to communicate that to Mr. Truscott to write this up.

Mr. Keady – I made notes of that and will communicate that to Mr. Truscott.

Mr. Mullen – also that surface parking is not counted as part of the Floor Area Ratio.

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Mr. Stockton - it's kind of spelled out under definitions on page 5 number 8 but I would like some clarity in the paragraph. On page 2 under G there is a question mark under the number of units and I think that something needs to be filled in there.

Mr. Mullen – that was something that we may need guidance from the board. I don't know how or if it's appropriate to control the number of units in a hotel or if we should come up with room sizes. I think we need to establish standards for the development of a hotel and make it a conditional use and I think that can be made out as a conditional use.

Mr. Stockton – okay and he might have particular knowledge from other experiences that might be able to plug into this.

Mr. Serpico explained that procedurally we need to have the final form of the document at least 10-days prior to the hearing.

Mayor Little offered a motion to strike items 14, 15 and 16 from this document and understand that it will be revisited by this board at another date.

Mr. Serpico – could you make that motion subject to me reviewing that Statute for number 16 to make sure that it's not mandated that it be in the Master Plan because if it is mandated I don't think that we should put it off, we should deal with.

Mayor Little – I will amend my motion as explained by the Attorney.

Mr. O'Neil seconded Mayor Little's motion.

Mr. Manrodt questioned why we can't keep item 15 in.

Mr. Mullen – I think that thought process for this was of the people that live there who want to do any work.

Mayor Little – again this was part of litigation and that's why I moved to remove it and have it addressed at a separate time.

ROLL CALL

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

NAYES: **Mr. Manrodt, Mr. Francy**

Mr. Stockton – motion carries. So we are going to set a hearing date for the June Meeting.

The Board had a discussion and determined that the Master Plan will be the first item on the June 11 agenda and that the meeting would begin at 7:00 P.M

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Mr. Francy offered a motion to schedule the Master Plan Amendment hearing on the June meeting and the June Meeting start at 7PM with the understandings that this will be first on the agenda and the other application will happen after that and not before 7:30 P.M., seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

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

Approval of Minutes:

Mr. Manrodt offered a motion to approve the April 9, 2009 Planning Board Minutes, seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mayor Little, Mr. Francy,
Mr. Parla, Ms. Peterson, Mr. Roberts, Mr. Stockton**
NAYES: None

Communications:

The Board briefly reviewed the following documents which did not require any formal action:

- *Letter from Fred Rosiak, Captains Cove Marina dated 5/3/09**
- *Letter from Institute of Marine & Coastal Sciences dated 5/1/09**
- *Letter from MCPB RE: Scenic Byway dated 4/7/09**
- *Letter from Freehold Soil RE: Sendowski Bl. 43 Lt 6**

The Board directed the Board Secretary to contact Seastreak and ask them to change their appearance before the board to the July Meeting and not the June Meeting.

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

The Meeting adjourned at 10:56 P.M.

CAROLYN CUMMINS, BOARD SECRETARY