

**Borough of Highlands  
Planning Board  
Regular Meeting  
July 9, 2009**

Mr. Stockton called the Regular Meeting to order at 7:11 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 Two River Times and the Asbury Park Press. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present: Mr. Manrodt, Mr. Mullen, Mr. Bahrs, Mr. Schoellner, Mr. Francy,  
Mr. Parla, Mr. Stockton, Mr. Roberts**

**Absent: Mr. O'Neil, Mayor Little, Ms. Peterson**

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

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**Seastreak – Discussion on Status of Site Plan Approval**

**Present: Thomas M. Wynne, General Counsel  
Jim Barker, President  
Kathy Mullen, Manager**

Mr. Mullen stated that he does not have a conflict on this matter even though he is a regular rider of this ferry.

Mr. Wynne explained to the board that the new owner purchased this in April of 2008 and when they came into this business their number one priority was to make the boats look better and make them function better, to improve the quality of the service and punctuality of the service to bring it up to standards. So they have focused all of their efforts since taking over this company fourteen months ago on doing just that. Hopefully you have all seen improvements to the vessels that have been made. What they had hoped to see from the improvements is an increase in ridership and then they would be able to focus on other issues. The service has gotten a lot better but it's not where they'd like to see it so they continue to focus their efforts on that. Shortly after they purchased the company the fuel costs went through the roof, then the economy collapsed after that and then as a result of the economy their ridership went down because people lost their jobs. So they have yet to operate this business in what they would call normal times and unfortunately it does not look they will be able to operate in normal times any time soon. The reason that he brings this up is he understands that the old owners had certain proposals and had worked with the Board on certain improvements to the facility. They have not had an opportunity to look at that in any type of depth at all. So the quick answer is the site plan

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proposal has not moved at all since they have taken the company over. He stands here before the board to suggest that they are open to dialog and they appreciate all that the Borough does for them and they hope that they are serving the community well with their service and they will do what they can to speak with the board going forward but before they can do that they need to bring their service up to a level that they are comfortable with. Without their riders and without a quality of service they do not have anything. So that is their primary focus and hopefully the Borough can understand that has been their focus. So that is basically what he is here to tell the board this evening.

James Barker was sworn in by Mr. Serpico.

Mr. Barker further explained that the fuel costs have hurt them and that they have struggled and put the resources back into the boats and hopefully things will get better. He would like to hear from the Borough about the hold up of their ferry licenses. He did just obtain a copy of the old site plan but he hasn't really studied the plan yet. He assumes that the hold up of his ferry license is a paperwork issue.

Mr. Francy stated that as a member of the Council we will get back to you with what will be needed. One of the major questions was what was the intensions relative to the site plan and the other question is at this point the cost of the license has not been reviewed in eight or ten years. So we will be looking at that part of that also. So I think that the Council will be reaching out to you and we will set up some sort of dialog with Seastreak as some sort of sub-committee meeting.

Mr. Serpico directed Mr. Wynne to look through the file because there are various resolutions that granted extensions of the final site plan. The last and third extension expired on January 11, 2006 so you have to look up section 53 of the Land Use Act regarding site plan approvals. You will also have to review the permit extension act which is incorporated in the MLUL under section 136.3 and 136.4.

Mr. Manrodt stated that there were two problems with the site. One problem was with the light spillage onto adjacent properties but that has since been corrected. The other problem is with the Valet Parking drivers speeding up and down Shore Drive.

Mr. Barker stated that he would speak with the Valet Driver.

Mr. Mullen questioned the responsibility of the pier at Sandy Hook Bay Marina.

Mr. Barker stated that the owner is supposed to maintain the dock but if there are any problems feel free to contact his office.

Mr. Stockton – the plan of attack right now is for you to review the information including the approved site plan drawings, the prior approvals and the time extensions and statutes. Then you can coordinate with the Board Attorney and then after that come back to the Board for an update.

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Mr. Francy – and the license issues are a parallel path but they are not linked to each other necessarily.

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**Approval of Resolutions**

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

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
AUTHORIZING PROFESSIONAL LEGAL SERVICES FOR THE PERIOD OF  
JULY 1, 2009 THROUGH DECEMBER 31, 2009**

**WHEREAS**, the Borough of Highlands Planning Board has a need for Professional Legal Services; and

**WHEREAS**, such Professional Legal Services can only be a provided by a Licensed Professional; and

**WHEREAS**, the Borough of Highlands Planning Board memorialized a Resolution on January 8, 2009 appointing Jack Serpico, Esq., from the firm of Jack Serpico, Esq., as Planning Board Attorney for a one (1) year term expiring December 31, 2009.

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$4,000.00 for legal services provided to the Borough of Highlands Planning Board for the period of July 1, 2009 through December 31, 2009; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2010 Municipal Budget/

Planning Board Budget  
Account #1141-3755 - \$4,000.00  
July 1, 2009 – December 31, 2009

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Stephen Pfeffer, CFO

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**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 be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Planning Board as follows:

1. That Jack Serpico, Esq., from the firm of Jack Serpico, Esq., is hereby retained to provide Professional Legal Services as described above for an amount not to exceed \$4,000.00 for the period of July 1, 2009 through December 31, 2009.
2. This contract is awarded without competitive bidding as a "Professional Services" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. Bahrs, Mr. Schoellner, Mr. Francy,  
Mr. Parla, Mr. Stockton, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL ENGINEERING SERVICES  
FOR THE PERIOD OF JULY 1, 2009 THROUGH DECEMBER 31, 2009**

**WHEREAS**, the Borough of Highlands Planning Board has a need for Professional Engineering Services; and

**WHEREAS**, such Professional Engineering services can only be provided by a licensed professional; and

**WHEREAS**, the Borough of Highlands Planning Board memorialized a Resolution on January 8, 2009 appointing Joseph Venezia, P.E. and Robert Keady, P.E. of T & M Associates as Planning Board Engineers for a (1) one year term expiring December 31, 2009; and

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**WHEREAS**, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; 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, c271; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$2,200.00 for Professional Engineering Services provided to the Borough of Highlands Planning Board for the period of July 1, 2009 through December 31, 2009; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2010 Municipal Budget.

Planning Board Budget  
Account #1141-3757 = \$2,200.00  
July 1, 2009 – December 31, 2009

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law, NJSA40A:11-1 et. Seq. requires that notice with respect to contract 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. That both Joseph Venezia, P.E and Robert Keady, P.E. of T & M Associates are hereby retained to provide Professional Engineering Services as described above for an amount not to exceed \$2,200 for the period of July 1, 2009 through December 31, 2009.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.

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

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

**ROLL CALL:**

**AYES: Mr. Manrodt, Mr. Mullen, Mr. Bahrs, Mr. Schoellner, Mr. Francy,  
Mr. Parla, Mr. Roberts, Mr. Stockton**

**NAYES: None**

**ABSTAIN: None**

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**Approval of Minutes**

Mr. Manrodt offered a motion to approve the June 11<sup>th</sup> minutes, seconded by Mr. Parla and all eligible members were in favor except Mr. Mullen who abstained.

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**Communications**

Mr. Stockton advised the Board to contact the Board Secretary if anyone is interested in attending the MCPB Annual Dinner.

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Mr. Manrodt offered a motion to adjourn the meeting until 7:30 P.M, seconded by Mr. Mullen and all were in favor.

The Board took a recess.

Mr. Mullen called the Meeting back to order at 7:42 P.M.

**ROLL CALL:**

**Present: Mr. Mullen, Mr. Schoellner, Mr. Francy, Mr. Parla, Mr. Roberts**

**Absent: Mr. Manrodt, Mr. Bahrs, Mayor Little, Mr. Stockton, Ms. Peterson,**

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

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

**Present: Mr. Mullen, Mr. Schoellner, Mr. Francy, Mr. Parla, Mr. Roberts**

**Also Present: Paul Drobbin, Applicants Attorney  
David J. Minno, A.I.A. & P.P.**

Mr. Mullen stated that Mr. Francy has listened to the last meeting tapes and is present this evening.

Mr. Serpico stated that we created a master list of exhibits and the Board Secretary will update it after each meeting. After reviewing the list of exhibits we need a clarification of Exhibit A-16.

Mr. Drobbin suggested that Exhibit A-16 was a truck turning template but he will double check.

Mr. Keady – also stated that Exhibit A-16 was a three sheet truck turning template.

Mr. Serpico then discussed Exhibit B-14-1 which was an objector's exhibit. He stated that the exhibit number needs to be changed from B-14-1 to O-1. There were no objections from either the applicant's attorney or the objector's attorney.

The following documents were marked into evidence this evening:

- A-17: Sheet A-1 of Architectural Plan prepared by Minno & Wasko Architects  
Last revised 12/14/08;
- A-18: Sheet A-2 of Architectural Plan prepared by Minno & Wasko Architects  
Last revised 12/18/0/8;
- A-19: Building 1 Elevations South & West, Sheet A-3 dated 11/7/08 on large  
Board prepared by Minno & Wasko Architects;
- A-20: Building 1 Elevations North & East, Sheet A-4 dated 11/7/08 on large  
Board prepared by Minno & Wasko Architects;
- A-21: Sheet A-5 of Architectural Plan prepared by Minno & Wasko Architects  
Last revised 12/18/08;
- A-22: Sheet A-6 of Architectural Plan prepared by Minno & Wasko Architects  
Last revised 12/18/08;
- A-23: Building 2 Elevations, Sheet A-7 dated 12/18/08 on large board prepared by  
Minno & Wasko Architects;
- A-24: Building 2 Elevations South & West, Sheet A-8 dated 12/18/08 on large board  
prepared by Minno & Wasko Architects;
- A-25: Sheet A-9 of Architectural Plan prepared by Minno & Wasko Architects  
Last Revised on 12/18/09;
- A-26: Sheet A-10 of Architectural Plan prepared by Minno & Wasko Architects

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- Last Revised 12/18/08;
- A-27: Sheet A-11 of Architectural Plan prepared by Minno & Wasko Architects  
Last Revised 12/18/08;
- A-28: Building 3 Elevations North & East, Sheet A-12 dated 11/7/08 prepared by  
Minno & Wasko Architects;
- A-29: Building 3 Elevations South & West, sheet A-13 dated 11/7/08 on large board  
prepared by Minno & Wasko Architects;
- A-30: Sheet A-16 of Architectural Plan prepared by Mino & Wasko Architects  
Last Revised 12/18/09;
- A-31: Club Facility Elevations, Sheet A-17 dated 11/17/08 on large board  
Prepared by Minno & Wasko Architects;
- A-32: Entry Signage Plan & Elevations , Sheet A-19 on large board dated  
11/14/08 prepared by Minno & Wasko Architects;
- A-33: Sheet A-14 of Architectural Plan prepared by Minno & Wasko Architects  
Last Revised 12/18/09;
- A-34 Sheet A-15 of Architectural Plan prepared by Minno & Wasko Architects  
Last Revised 12/18/09;
- A-35: Shadow Study of January 23, & April 23 prepared by Minno & Wasko Architects  
Dated 7/9/09;
- A- 36: Shadow Study of July 23 & October 23 on large board dated 7/9/09 prepared by  
Minno & Wasko Architects.

David J. Minno was sworn in and described his professional qualifications as a licensed Architect and Professional Planner of the State of New Jersey to the Board.

Mr. Mc Omer had no objection to his qualifications as a licensed Architect.

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

1. He stated that Architectural Plans were prepared under his supervision known as Exhibit A-2. He then stated that he brought colorized replicas of the plan this evening.
2. He became familiar with this site about a year and a half ago. He undertook the task to design residential condominium towers consistent with the zoning that was in place for this site and to make the best possible project from a marketing and aesthetic standpoint and from a surrounding environmental standpoint.
3. He is very excited to present this project to the board. This is a significant project and it's an exciting one. It is consistent with the current zoning, the Eastpointe Building which is higher and directly above this building so we are consistent with building types of the adjacent site.
4. He then referred to Exhibit A-12 and spoke about the orientation of the buildings. Their building one, two and three are primarily residential buildings that are sixteen stories and they have a small one and a half story building which is a sort of walk out basement sort of building as the club and recreational facility central for the project. This is really going to be a lifestyle community, it's going to say that as you drive in and sense the quality of the landscaping and the architecture itself. They believe that this project meets all of the criteria with that one exception



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that Mr. Busch discussed which was some steep slope disturbance and that it really proportionately in the center of the site. That is right between the two banks of existing mobile home units which he further described. The slope disturbance in the center of the site really won't have any impact on surrounding area.

5. There are 282 total dwelling units. Building one has 83 units which consist of 66 two-bedroom units and 17 three-bedroom units. Building two is virtually identical, it has 66 two-bedroom units and 17 three-bedroom units. Building three has 93 two-bedroom units and 23 three-bedroom units for a total of 116 units. There is really no limitation in the ordinance on the bedroom type of each unit, so this is what the applicant envisions.

6. Generally the parking for the most part is below grade with subtle entries for the garage spaces. Building one has 181 spaces, Building two has 182 spaces and Building three has 233 spaces for a total of 596 total garage parking spaces. Then there is an additional six surface parking spaces for a total of 602 parking spaces.

7. He then referred to Exhibit A-17 which basically shows the floor plate configurations of the building with the exception of the garage. He then described building one, the ground floor has a main entry vestibule, entry lobby, reception area, security area, and a full service fitness center on the right side. This fitness center leads out to the small recreational club building that sits between buildings one and two. He then further described the layouts of the floors of building one. He spoke about the roof of the building and stated that there is an enclosed water tank area that will be where water will be kept on each building for fire. There will also be a boiler room and chiller areas, which will all be screened. There will also be a viewing terrace area for the residents.

8. He then referred to Exhibit A-18 which shows the parking levels of building one. He stated that there are basically three levels. The entry to the garage is on the south side of the building off the entry courtyard. He then further described the levels and stated that they terminate the trash chute on the first level of the garage. He then described the trash chute and compactor and how on trash day the maintenance person will bring the trash out to the garage entrance where it will be picked up by the trash hauler. There will be recycling barrels on each floor.

9. He stated that the garages are ventilated out to the side wall, which he further described.

10. His office provided to Mr. Busch the calculations of the building square footage for both the parking and the building itself and that's a gross square footage.

11. He then referred to Exhibit A-19 which is sheet A-3 that shows two of the elevations of building one. The drawing on the left is the south facing elevation and the drawing to the right is the west facing elevations, which he further described. He stated that the buildings are contemporary to a degree but they have classic elements. He stated that the buildings have a base, middle and a top of the building which are classic and proportioned. He stated that for all the buildings the materials used will be metal panel for a portion of the building, a brick veneer, cast stone at the base of the building and they have curtain wall window on the corner pieces and on the balcony glass. They are not final on the colors yet but they are trying to pick up sea, air and sky and water colors. They are screening the top of the building mechanical units, which he further described.

12. It is not their intent to sell cell tower space.

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13. He is not sure where the cell towers are located on the Eastpointe Building but the grade goes up as you go west from their site.

14. The building height is in compliance with the ordinance. From the grade to the highest roof they are 169 feet to the roof deck, to the top of the elevator mechanical equipment room they are 175 feet eight inches. The allowable building height is 180 feet so they are a little less than five feet below the allowable building height. In the ordinance there is also a mechanical equipment height limitation which is 15 feet above the 180 so that would be permitted to be 195 feet above the grade as shown on Exhibit A-19. He then explained how the ordinance defines building height.

Mr. McOmber – this ordinance for this site calls from the lobby level.

Mr. Minno continued his testimony as follows:

15. He read the definition of building height for this zone which is to be measured from the height of the floor of the building lobby or the first level that contains dwelling, whichever is the lower. This is found in the conditional use ordinance.

16. He then referred to Exhibit A-20, which is still on building one and it depicts the building elevations from the north and from the east, which he further described. He stated that you can see part of a retaining wall and then described the location of the garage ventilation.

17. Exhibit A-17 shows the terraces which vary.

18. He referred to Exhibit A-21 which is building two. The major differences in this building occur at the lobby level. As you enter the building on the left side of the lobby they have a beauty and lounge and they anticipate putting in a theatre space in there for residents only. They could have a movie night for residents only and they could serve appetisers. The reception and the security is on the opposite side. He then described the number of units on each floor.

19. They are not there yet to talk about valet parking services yet but he thinks that there are enough units in the complex where some concierge or valet services could be provided.

20. There will be camera security as well as key pad type of entry system for the residents.

21. There is a provision space wise to have a lobby person but it is going to depend on the structure of the condominium association fees to see if they could carry that. They will have building maintenance staff there every day.

22. He then referred to Exhibit A-22 and stated that this garage enters on the south east corner of the garage. He then spoke about the entry to the garage and levels.

23. He then referred to Exhibit A-23 and stated that the differences here is the buildings above the lobby level from an elevation standpoint are the same. The differences really occur because of the grading which he further described.

Mr. Mullen stated that the garage view of the north needs plantings or something.

Mr. Minno continued his testimony as follows:

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24. He referred to Exhibit A-24 which shows the north elevations and the east elevations. Again, you see more of the exposed garage on the east elevation and again on the north elevation which he further described. In terms of who sees this elevation there is a very significant tree line on top of the slope on the north side of the property and that tree line will remain.

Mr. Mullen stated that his objection to that is the scale of the upper portion is very articulated but he is concerned about the bottom in terms of visibility.

Mr. Minno continued as follows:

25. He referred to Exhibit A-25 which shows building three. Building three has a little bit larger footprint, it is a little bit longer and has more units per floor typically. The ground floor, the entry faces the courtyard so they are trying to get all three entries off the courtyard. So the entrance is coming in from the north side of the building. Again we have a lounge and reception area that shows a desk and then they have six units on that found floor. He further described the number of units on each floor.

26. He referred to Exhibit A-26 which shows on the left floors two through twelve were cut back from eight units per floor to six units per floor. He further described exhibit A-26.

27. He referred to Exhibit A-27, it's a little bit larger of a garage footprint, there are more parking spaces in this building. The garage entry occurs on the east side of the building. He then further described A-27.

28. He referred to Exhibit A-28 and described building three as shown on exhibit A-28. There is one level of garage exposed on the east side view. He further described exhibit A-28.

29. He referred to Exhibit A-29 which shows the south and west elevations of building three. He described the vehicle access to the garage. He stated that the west, the grade is higher on the western side toward Eastpointe so we are back up to grade and no exposed garage at that point. The south elevation has a sloping kind of grade. He then described the garage for building three. He stated that he believes that these are not traditional looking buildings but still the idea of having a green site well landscaped with great architecture is a way to go, to hide the automobile.

30. He stated that the recreation building according to A-12 sits directly in the middle. If you enter the building from the main courtyard side or if you were exiting any of one of the three buildings you would be at grade. It would be a one level building as you would look at it from the south side and then because again grade if falling to the back of the recreation building, its two stories from the back. He further described the recreational building.

31. He referred to exit A-30 which shows the two levels of plans of the club house. The plan on the right is the upper level or the entry level that you would come off of the entry courtyard. Their main entry vestibule is there with a lobby and then a powder room, elevator, elegant stairway, a library café area with a fire place and then a small serving kitchen. So you could have an event in this club room in the rear which has a deck overlooking the pool. He described how the residents could make arrangements with association to use the club facility for a party. They could serve appetizers and prepared foods, it not meant to be a commercial kitchen. He continued to describe the club room area. He stated that the lower level, they have locker rooms which lead out to the pool deck, mechanical room, they have an enclosed spa area.

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32. He referred to exhibit A-31 which shows the floor elevations of the club building. He described the views of the building from the different directions and elevations.

33. Pedestrian access – Mr. Busch stated that they are desirous of a sidewalk along route 36 and portions of Ocean Blvd. The comment was that they would accommodate that if possible, which he further explained. He then described pedestrian walking access around the site. He spoke about gates on the site that could be card key operated so that only residents could access the pool area.

Mr. Parla and Mr. Mullen expressed their desire for residents from the development to be able to walk down town.

Mr. Minno continued his testimony as follows:

34. He referred to exhibit A-32 which shows the sign for Ocean Blvd. He stated that it will have block lettering. He described the structure of the sign. He stated that the sign will be ground lit and that it could be two sided. There will be no light pollution off the site.

35. He referred to exhibit A-33 this shows section two visual of the grade. He stated that the northern portion of this is not accurate.

36. The garages are really four levels, the levels are ten feet in height floor to floor.

37. The foundations system are not designed yet but there is a concept for it.

38. The referred to exhibit A-34, a cross section that cuts sections from two different directions on site. He then described the views as shown on Exhibit A-34. He explained that this project is going to be phased, they will have to build building by building. As lenders lend for condominium buildings, they are going to have presales requirement for the building. So it will have to be built in increments over a period of years. So it's difficult to connect all of the garages when you have them built at different times. A larger issue would be structuring that area because that courtyard takes a lot of traffic and there would be the drainage issue. So the three independent garages work nicely.

Mr. Drobbin requested that exhibits A-17 through A-34 be marked into evidence.

There was no objection from Mr. McOmber therefore the exhibits were marked into evidence.

Mr. Minno continued his testimony as follows:

39. The buildings meet all of the handicapped codes of the State of New Jersey. The dwelling units themselves are handicap adaptable which he described. In terms of the garage they are required to in each building not only have some handicap spaces, they have to have a van accessible space and they are able to accommodate that.

40. These buildings will be fully code complaint as to fire protections. These are high rise buildings that fall under the high rise sections of the IBC Building Code. They are required in these types of buildings to make sure that there will be available pressure so they are planning on creating water storage to sustain the proper amount of time for fighting a fire and create a head pressure for the sprinkler system. Basically in high rise buildings fires are fought the same way, they are fought with the sprinkler system and with wet stand pipes under the stairwell and \_\_\_\_\_

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connections in front of the building. They are very modern buildings and in fact the Fire Marshall wrote a very good review letter on this project. There is a lot of work between the design of the building at code standpoint and the designers to work out how the fire company will fight a fire here. He continued to described how fires would be fought in the buildings. There are areas of refuge created in each of the stairways for people possibly a handicapped person. There are areas of refuge where they are protected for well over two hours.

41. There are a number of things in the Fire Marshalls letter that say that he wants to work with our design staff at the building code point when the plans are submitted to the building dept. He will tell us exactly where he wants certain connections.

42. They are not in the flight path of any major airport and they are not required to put a light on top of the buildings. They will submit the application to the FAA and ask them for a letter that they comply.

43. School bus pick up would be the same.

44. Noise from Mechanical System on top of building will have vertical walls on all sides. The sound would focus up the garage. He does not expect any noise issues which he further described.

45. The vents in the garage meet the code requirements. There are also C/O detectors in the garage and fans.

46. Lighting – not intended to do any lighting on the face of the building itself other than to the entries to the front of the building. Any lighting that would be on the terrace level would be low level bar type of lighting that would be directed down to the ground without a visible source. Same thing would be true for the roof deck above the lights they would be directed down to the paving surface on top of the roof deck. The lighting that would be seen would be typical window lighting, residential lighting which is permitted in this zone. None of the architectural features of the buildings are illuminated in the evening.

47. Affordable Housing – this was not part of his assignment.

Mr. Drobbin stated that before the end of the application presentation he will get back to the board with regard to this issue.

Mr. Francy requested a drawing that gives us a panoramic view including Eastpointe. One view from Route 36 and another view from Bay Avenue at the Seastreak Parking lot.

Mr. Minno continued his testimony as follows:

48. He stated that with regard to Mr. Francy's request for a panoramic view he will ask his client after the meeting.

49. Heights of the building relative to Eastpointe they will get that to the Board.

50. With regard to impact of the cell towers on the Eastpointe building, it's a good comment and he will put that on his list.

Mr. Keady stated that in his review letter they had two comments related to the parking levels and the areas of the columns and the dimension of the spaces and isles. He requested that plan revisions be submitted.

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Mr. Minno – we have actually already done them but have not yet submitted but they will comply with the board engineers comments.

Mr. Mullen called for a ten minutes recess at 9:22 P.M.

Mr. Mullen called the meeting back to order at 9:28 P.M.

**ROLL CALL:**

Present: Mr. Mullen, Mr. Schoellner, Mr. Francy, Mr. Parla, Mr. Roberts

Absent: Mr. Manrodt, Mr. O’Neil, Mr. Bahrs, Mayor Little, Mr. Stockton, Ms. Peterson

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

Mr. McOmber asked if the Fiscal Impact Analysis prepared by Richard Reading entitled “Fiscal Impact Analysis the Enclave of Mt. Mitchell Proposed Residential Development in Highlands Borough” was submitted to the board.

Mr. Mullen – we have no knowledge of it.

Mr. Serpico – no

Mr. McOmber began his cross examination of Mr. Minno.

Mr. Minno stated the following during cross examination:

1. He obtained his Planning License by the fact that he is a Registered Architect and have complied with that for the past fifteen years.
2. He has not designed a sixteen story building before but they have designed a twelve story building in Hoboken which is currently under construction.

Mr. McOmber – so its under construction and hasn’t been completed. So as far as how its going to end up and whether its consistent with everything you testified to in that case, that remains to be seen when that gets done?

Mr. Drobbin - objection

Mr. McOmber – okay, I will correct it.

Mr. Serpico – you didn’t object to his qualifications when he first came on board.

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Mr. McOmber – I am not objecting to his qualifications, I am just going to if he designed buildings of this size.

Mr. Serpico – okay, go ahead.

Mr. McOmber continued his cross examination.

Mr. Minno stated the following during his cross examination:

3. Yes, other than this building he has yet to design a building this large.
4. He designed a fourteen story building which hasn't been constructed yet.
5. The highest building that he designed and has been completed is an eight story building located in Hoboken.
6. He has not reviewed the Borough of Highlands Master Plan because he was not retained as a Planner but rather an Architect.
7. Page LU-13 with regard to ridgeline – Mr. McOmber read that section of the Master Plan and Mr. Minno stated that Master Plans are recommendations to the Governing Body about zoning and about specific ordinances that are being recommended. They designed this around the ordinance that was in place for this specific site and these building configurations are permitted.
8. Any buildings would interrupt or modify the natural contour elevations of the tract.
9. He has reviewed the Environmental Commission Report.
10. It is correct that there will be no light spillage off site for the lighting on the buildings, pool area, patio areas and roof tops.
11. He referred to Exhibit A-35 which is a Shadow Study that was prepared by his office dated 7/09/09. It shows four views, two on January 23<sup>rd</sup> and two April 23<sup>rd</sup> which he described.
12. He referred to Exhibit A-36 which is also a Shadow Study July 23 and October 23<sup>rd</sup>, which he described. He then described the shadow effects as shown the exhibits A-35 and A-36. He stated that he would pass these two exhibits onto the Environmental Commission for their information.
13. He has not prepared any drawings or representations of what the buildings will look like if standing on Ralph Street. He would not call it a substantial portion of the view from Ralph Street. He did not say that he will provide representations from Ralph Street.
14. Garage Ventilation – he described where they will exit on each of the three garages referring to Exhibit A-13. Building One ventilation is located on the north east portion. Building two will in the northwestern portion. Building three will be on the eastern side. The gases will rise into atmosphere at a rate permitted by code.
15. He does not know yet if the kitchens will have vents over the exhaust fans.
16. The bathrooms will have exhaust fans vented through the roof.
17. They provided information to Mr. Busch who did the FAR calculations.
18. A Structural Engineer designs the structural portions of the building.
19. The fire ratings of the structures and the materials used he did in combination with the Structural Engineer.
20. This is going to be a noncombustible building.

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21. He is not a fire expert. The stairwells are designed to be two hour fire enclosures as to code. Sprinklers and emergency lighting will be installed.
22. There will be masonry brick facing with some cast stone elements, there is metal panel and glass.
23. The decorative white metal rod items on the roof do not exceed the height requirements. He described one at a height of 195 feet and the allowable height.
24. The glass curtain wall will reflect the sun but by how much is not a valid question. This is a residential building which windows are permitted to be built in this location by the zoning of the town. Any building is going to have windows and not require an analysis of it.
25. The staff hours have not yet been decided.
26. Any drippings from the cars in the garage would go into the floor drain system. There is no oil code requirement to separate oil from water because the level is so low.
27. Recreation building – if a resident lived there and wanted to have a private party they could use that facility or the residents themselves may have functions. If a private party were being held they would have to make arrangements with the association to park in the garage in visitor spaces.
28. He stated that within the required number of parking spaces in the RSIS visitor parking is built in with that.
29. There are no one-bedroom units.
30. The IBC Code stands for International Building Code. UBC stands for Uniform Building Code. Fire issues that are in them are for the interior of the building not for the exterior. The Residential Site Improvement Standards in terms of width of roadways and cul de sac width is partially imbedded in that code for Fire Protection Services and Emergency vehicles.
31. He received an email from the Fire Official dated 7/7/09 and he is in agreement with this letter.
32. Mr. Busch will submit plans to the FAA to get a letter regarding lighting.
33. Club House Medical Emergency – the elevators is sized to fit a gurney.
34. Garbage – they will put out for pick up outside the garage door within in one hour. The garbage company will not be picking up large steel dumpster.
35. Roof top gardens will be drained through internal roof drains through the building to the storm sewer.
36. Sheet A-14, the reason for the right side slope not being to scale was because at the time we did it we did not have Mr. Busch's final grading plan and what his draftsman had was a notion that the slope fell off and they just drew it.

Mr. McOmber requested that a drawing be done showing the slope going all the way down to Ralph Street to show the difference in elevation from Ralph Street to the top of the building.

Mr. Mullen – I think that our geotechnical person requested the same sort of information and when we get to this he thinks that Mr. Busch will be preparing this.

Mr. Minno continued and stated the following during his cross examination:



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37. The location of the proposed buildings was a team effort and the four major players were the developer, Mr. Busch, Mr. Serpico and his team. Mr. Serpico being the Geotechnical Engineer had a lot to say about this so he will let him describe the restraints of the site.

38. There are no plans for a bus enclosure that he is aware of.

39. Emergency Exit is by code, the emergency stairways. He then referred to exhibit A-17 and described the means of egress.

Mr. Mc Omber stated that he had no further questions for Mr. Minno.

Mr. Mullen asked if the public had any questions for Mr. Minno.

Connie Stober of 1 Scenic Drive questioned the amount of parking spaces.

Mr. Minno – there is a total of 602 parking spaces.

Connie Stober questioned if the site was contaminated.

Mr. Minno stated that Mr. Serpico can address that issue.

Michele Pezzullo questioned if wind would affect the structure.

Mr. Minno explained that the structure will be designed to move slightly and will have some flex in it which he further described.

Michele Pezzullo questioned what the green color represented on the landscaping plan.

Mr. Minno explained that generally the lighter green area is depicting lawn area.

Michele Pezzullo asked if the people that are going to be displaced if they get first shot at a unit and a possible discount.

Mr. Minno stated that this was not his area of expertise.

Hank Stober of 1 Scenic Drive questioned the length of time for the construction.

Mr. Minno stated that it will be done in phases and the amount of time could depend on the market sources.

Zonni Pitkak of 1 Scenic Drive questioned how safe the land would be.

Mr. Minno stated that this questioned should be referred to Mr. Serpico but the buildings will be designed to be very safe.

Zonni Pitkak questioned how long the construction would take and will the units sell.

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Mr. Mullen explained that questions are to be related to his testimony.

Mr. Serpico – that’s beyond his testimony.

Connie Stober questioned the fiscal impact and what about tax abatements.

Mr. Mullen stated that he has no knowledge of that and this questioning is getting very far away from the testimony this evening.

Michele Pezzullo questioned what kind of metal will be used that does not rust.

Mr. Minno explained that there are different types of aluminum that had different coatings.

There were no further questions from the public.

Mr. Mullen – we are going to carry this meeting to our August 13<sup>th</sup> meeting.

Mr. Drobbin stated that he will confer with the Board Engineers office with regard to what expert they will start with at the next meeting.

The Board requested to start the August 6<sup>th</sup> meeting at 7:00 P.M.

Mr. Drobbin – they will send the Environmental Commission the shadow studies.

Mr. McOmber requested that any reports be submitted prior to an expert testifying.

Mr. Serpico stated that basically the basic report that an expert is going to testify should be in ten days prior to meeting.

Mr. Francy requested that Mr. Drobbin supply notice to the Environmental Commission to keep them on board.

The Board discussed issues of reports and upcoming testimony with Mr. Drobbin.

Mr. Francy offered a motion to carry this hearing to the August 13<sup>th</sup> meeting at 7:00 P.M. without the need for further notice, seconded by Mr. Parla and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Schoellner, Mr. Francy, Mr. Parla, Mr. Roberts

**NAYES:** None

**ABSTAIN:** None

Mr. Drobbin granted the board an extension of time to act.

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Mr. Mullen informed the public that this hearing has been carried to the August 13<sup>th</sup> meeting at 7:00 P.M.

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**Communications:**

Mr. Serpico stated that with regard to the memo that he sent out dated June 29, 2009 stating that the Fleming subdivision expired he has since reviewed the permit extension act and he will submit a new letter stating that it has not expired and the applicant has until July of 2010.

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

The meeting adjourned at 10:40 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**