

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

Mr. Manrodt called the meeting to order at 7:46 p.m.

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

Mrs. Cummins 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 bulletin board.

ROLL CALL:

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

Absent: Mr. Bahrs, Mr. Stockton

**Also Present: Carolyn Cummins, Board Secretary
Debby Dailey, Deputy Clerk
Jack Serpico., Board Attorney
Robert Keady, P.E., Board Engineer**

Discussion RE: View Shed Committee

Mayor Little stated that she wanted to create a View Shed Committee to be used as an advisory board to the Planning Board. The Planning Board could use the Committee with regard to hearings on application effecting views. She stated that she has been approached by three people that would like to serve on such a Committee.

Mr. Serpico explained that the Planning Board only has authority to create a committee of board members. He stated that he will look into this further and get back to the Mayor with regard to this issue.

**Cell Tower Comments
450 Hwy 36**

The Board received a written invitation to comment that was submitted by Ms. Sara Farley of Architectural Historian. This was a request for the Planning Board to provide historical comments on the subject site.

Mr. Serpico stated that they could come and appear before the board informally but this request is inappropriate. He then advised the Board to refer this over to the Historical Society to review and comment.

Review of Ordinance O-09-30 Flood Damage Prevention Ordinance

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

Mrs. Cummins stated that this ordinance is scheduled for public hearing and adoption at the December 2, 2009 Council Meeting.

Mayor Little explained the need to adopt this ordinance which was to protect our residence from losing their flood insurance.

Mr. Keady explained that the Borough has already been granted an extension of time to adopt this so this is very time sensitive. He also stated that FEMA is the one who came up with the draft ordinance. He then commented on Mr. Stockton's written concerns with this ordinance. He stated that this ordinance & NJDEP does condition upon other authority, so Mr. Stockton wanted the ordinance to be more specific.

Mr. Manrodt – let's move as it is and amend it later.

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

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of proposed Borough Ordinance O—09-30, which Ordinance will amend Ordinance O-99-11, which is set forth in the Borough Zoning Ordinance at Chapter 21-109 et seq.; and

WHEREAS, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepare and transmit a report back to the Governing Body; and

WHEREAS, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, the Board conducted a review of the proposed amendment on October 8 and November 12, 2009; and

WHEREAS, the Board received comments from Board members, the Board Engineer and Attorney and various members of the public.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby finds that the proposed ordinance is consistent with the provisions of the Borough Master Plan and the Board respectfully recommends that prior to the adoption of the above mentioned Ordinance, the Mayor and Council review the recommendations of the Board which are annexed hereto and made a part hereof; and

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

BE IT FURTHER RESOLVED that the Board hereby directs its Secretary to transmit this resolution and the recommendations annexed hereto to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

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

ROLL CALL:

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

NAYES: None

ABSTAIN: None

Good morning Jack and Carolyn,

I am reviewing the packet that Carolyn sent out regarding Ordinance O-09-30 Flood Damage Protection, and I have some issues that I think we need to discuss and recommend for consideration at the next Planning Board meeting.

1. The draft ordinance seems to follow the NJDEP Model Flood Damage Prevention Ordinance, available at this website: <http://www.nj.gov/dep/floodcontrol/modelord.htm> . It seems to me that the NJDEP model ordinance was drafted by the Department on or about August 28, 2006, which pre-dates the enactment of NJDEP's Flood Hazard Area Control Act Rules enacted on November 5, 2007. These dates are significant because the Department enacted new and much stricter flood hazard area rules on November 5, 2007 pertaining to constructing and reconstructing buildings and structures in a flood hazard area. I think the regulations at NJAC 7:13 govern over many of the items contained in the draft Ordinance and that the draft Ordinance needs significant modifications to be consistent with the Departments rules (see attached NJAC 7:13 for more specific information).

THERE ARE IN FACT SEVERAL INSTANCES IN THE DRAFT ORDINANCE O-09-30 PERTAINING TO CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS THAT ARE APPARENTLY OUT-DATED AND NO LONGER ALLOWED BY NJDEP FLOOD HAZARD AREA CONTROL ACT REGULATIONS - specifically in Ordinance Section 21-125.1 Residential Construction; Section 21-125.2 Nonresidential Construction; and in Section 21-125.3 manufactured homes. I think it is kind of funny that many of the coastal towns have recently adopted similar flood control ordinances but few have picked up on this fact. Their ordinances may not actually comply with NJ Administrative Code requirements and they may not be providing the protections to health, safety, and general welfare as strongly as they had hoped.

I think it would be much better for our Ordinance to incorporate the language of the NJDEP's Flood Hazard Area Control Act Rules pertaining to buildings into our proposed Sections 21-125.1, 21-125.2, and 21-125.3, especially: A) Requirements for a Structure at NJAC 7:13-11.4 (pg 111 of the attached document); B) Requirements for a Building at NJAC 7:13-11.5 (pg 111 of the attached document); and C) Requirements for Excavation, Fill, and Grading Activities at NJAC 7:13-11.3 (pg 111 of the attached document). These sections of the NJ Administrative Code provide strict guidelines for constructing and

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

reconstructing buildings, setting minimum first floor grades, and for enclosing or using the space beneath the flood hazard area base flood elevation, including much more detailed requirements for flood vents and openings shown in proposed Ordinance Section 21-124.5. Please suggest that Ordinance Sections 21-125.1, 21-125.2, and 21-125.3 be re-written to incorporate the requirements of the NJ Administrative Code.

2. Ordinance Section 21-120 provides requirements for a Development Permit. I think that this section should include paragraph **[5] requiring that the Base Flood Elevation in relation to mean sea level be provided on the plans.** Please suggest that this paragraph be added to our Ordinance.

3. Ordinance Section 21-122.1 Permit Review should incorporate text in paragraph [2] to read: "[2] Review of all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies, **including NJ Department of Environmental Protection Flood Hazard Area permits,** from which prior approval is required **before issuing a development permit from the Borough.**" Please suggest that this text be added to our Ordinance.

4. Ordinance Section 21-122.1 Permit Review should incorporate text at the end of paragraph [5] to read: "...accordance with Section 21-125.6(4) **and NJ Administrative Code Requirements at NJAC 7:13-11.4 and 11.5.**" Please suggest that this text be added to our Ordinance.

5. The draft ordinance provides for "Conditions for Variances" at Section 21-123.2 that appear to me to be in direct conflict with FEMA Coastal Construction Guidelines and NJDEP Flood Hazard Area Control Act Rules. Our Planning Board was told by the local FEMA representative that our Borough could be de-listed or suspended from the Flood Insurance Program for granting too many variances and that this could have a detrimental impact on mortgages and loans that require homeowners to have flood insurance as well as a detrimental impact on the health, safety, and general welfare of our citizens. The NJDEP's Flood Hazard Area Control Act Rules provide for strict compliance and the Department makes it seem next to impossible for them to grant hardship variances with regard to their Flood Hazard Area permit review process. I think our proposed Ordinance Section 21-123.2 [1] and [2] makes it seem that variances are easy to get, when the truth should be just the opposite. Please suggest that these paragraphs get re-worded and made stricter to be more in line with NJAC 7:13-9.8 (pg 81 of the attached document).

At a minimum one of our requirements for issuing a variance according to Ordinance Section 21-123[5] should be: **(iv) applicant obtains a Flood Hazard Area Permit from the NJ Department of Environmental Protection pursuant to NJAC 7:13.**

Please suggest that we add this text to the Ordinance too.

6. "Conditions for Variances" at **Section 21-123.2 Paragraph [6] should be stricken** all together from the proposed Ordinance. I think the Borough might open itself up to liability and that applicants will be easily confused if we grant written permission to allow a structure to be built with its lowest floor elevation below the base flood elevation when the NJDEP clearly restricts and regulates against such a thing. In my opinion, the Borough providing such a written notice allowing a structure to be built with its lowest floor elevation below the base flood elevation is contrary to protecting the health, safety, and general welfare of the public. Please suggest that we strike this paragraph all together from the proposed Ordinance.

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

7. Ordinance Section 21-124.2 Construction Materials and Methods should incorporate a paragraph [3] to read: "**All new construction and reconstruction shall be consistent with New Jersey Department of Environmental Protection rules and FEMA Coastal Construction guidelines.** Please suggest that we add this text to the Ordinance.

8. Ordinance Section 21-124.4 Subdivision Approvals has a funny quirk in paragraph [4] that reads: "base flood elevation data shall be provided for all subdivision proposals and other proposed development which contain at *least fifty (50) lots or five (5) acres (whichever is less)*. I think there are no 50 lot subdivisions or 5 acre tracts in Highlands Borough and think this should be struck from the Ordinance. I think it would be better for us to indicate that **base flood elevation data shall be provided for all subdivision proposals and other proposed development regardless of project or tract size.** Base flood elevation data is something that NJDEP review requires anyway during the course of their review for projects in flood hazard areas. Please suggest that we revise the text to strike out reference to project or lot size.

9. Ordinance Section 21-124.5 Enclosure Openings is not entirely consistent with NJDEP Flood Hazard Area rules at NJAC 7:13-5(o) and (p). The Administrative Code also requires: a) inverts of at least half of the flood vents to be no more than 12-inches above the floor of the building; b) that flood vents shall not be blocked at any time; and c) the floor elevation of the enclosed area is at or above the adjoining exterior grade along at least one exterior wall. I think our Ordinance Section 21-124.5 should contain similar wording. Please suggest that we revise the text of our Ordinance to include these suggestions.

10. I think Ordinance Section 21-125.6 Construction Methods pertains to new construction or reconstruction in a Coastal High Hazard area as outlined at Section 21-125.4, although Section 21-125.6 makes no mention of this. I believe this because Section 21-125.6 talks about break-away walls which is a construction method for enclosing space beneath a structure in a "V-zone" area where the main structure needs to be elevated on pilings. Please suggest wording for Ordinance Section 21-125.6 tying it to Section 21-125.4 for clarity.

11. Ordinance Section 21-111 Findings of Fact Paragraph [2] confuses me a bit. The wording is taken directly from the NJDEP model ordinance and reads: "[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas."

I have no idea how "flood losses" can be inadequately anchored....perhaps it should read: "...and when structures or obstructions are in adequately anchored..."

ANDREW R. STOCKTON
Planning Board Chairman

PS. Carolyn, When you print this for our Planning Board packets, please print pages 81, 111-116 of the attached NJDEP Flood Hazard Area rules. These are the pages that provide information pertaining to

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

NJDEP hardship waiver, requirements for a structure, and requirements for a building that I reference in this email. Thanks.

=====

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

**Present: Paul Drobbin, Esq., Applicants Attorney
Court Reporter
Dan Busch, P.E.
Mr. McOmber, Esq., Objectors Attorney**

Conflicts: Mr. Manrodt left the meeting

Mr. Mullen stated that today four board members visited the subject site which was lead by Dan Busch.

The following documents were marked into evidence this evening:

- A-56: Limit of Clearing Plan dated 10/28/09;
- A-6: Traffic impact study by John Jahr
- A-6a: Supplemental traffic report dated 5/27/09

Dan Busch stated the following:

1. We staked and surveyed the limited area of disturbance as flagged and mapped on Exhibit A-56.
2. We walked the site starting at flag #2002 at a clockwise direction viewing flag points of disturbance and views of building location.
3. He spoke about the design waiver area by referring to exhibit A-56. That start of the slope to be removed, the area that we are requesting a waiver for is starting at flag 2122 and that area extends north east direction through the footprint of building #3. It's entirely contained within the limit of disturbance.
4. There are a series of stakes that were in the field, Flags 2166 through 2179 which were offset 20 feet to the south to the site side of the limit of disturbance. Basically that was done for practicality because there is a fence line there and obviously there is a lot of vegetation. The idea is that the actual limit of clearing is the limit of the existing vegetation. There is no intent to go beyond the limit of vegetation that is out there.
5. After the site walk he did go back, he then referred to sheet 4 of 14 of the plan set which is known as A-1. The area off set stakes are is the area where the grading in that area in not constrained in the area. In other words the contours in the area can be shifted around without creating steep slopes. The idea was to identify the grade of the existing site ties into an even smooth slope to the top of the existing slope so that we don't have some steep slope dropping into the existing slope, that we have a relatively flat slope connecting into the existing slope that is at the edge of the property.

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

6. So the area where the offset stakes are located is not really a critical location on the site.

7. The critical locations are the portions of the site to the east and the west where they were there were no off set stakes, those stakes were actually located at the limit area of disturbance.

8. So when he refers to critical portions of the site, its more or less like flag points 2039 through 2052, which would be the retaining wall that runs along the left side between buildings one and three. The other critical area is 2083 and that basically runs around to all the way to 2113. Those are basically the bounds where grading is tighter, but that limit of disturbance is exactly where it is.

9. There is disturbance within 25 feet of the ridge of the slope. It's within 15 feet of the top of the slope. They are seeking a waiver for that which is important to keep the water flow going which he further explained a swale that would allow the water to flow.

10. There is a swale that runs from the middle of building one in the rear, all the way around to the retention basin to the southeast of building number 3. So by allowing the grading in that area you allow the storm water that would otherwise go over the soil, we allow that water to be cut off and diverted into a detention basin, as a result of doing that there is less water going over the slope.

Mr. Mullen stated that the two structures on that ridge – he is worried about some sort of precautions during construction and maybe there should be some sort of precaution so that there can't be overflow for that ridge for that short period of time.

Mr. Busch continued as follows:

11. What he would submit is that in that particular location that there would have to be as shown on sheet 11, that shows a silt fence around the entire parameter of the site. So prior to the removal of that structure we would be able to construct the silt fence up to it but there would have to be something placed in front of it in the short term while the structure is being removed. At that point you would be able to continue that silt fence across.

12. He explained that in the rear of building one you have an existing elevation of about 170 and our proposed grade in the middle there is 160 – 162. So there is a substantial reduction in the elevation there of about eight to ten feet, which he further explained.

13. There is a type of silt fence, a super silt fence which is basically a reinforced fence, which he further described.

14. We are asking for a waiver for the disturbance within the setback of the slope.

15. He then referred to the Phase 2 Construction Plan sheet two of three dated 7/29/2009 (Exhibit A-47). In this particular location Mr. Serpico had previously described a temporary excavation support. That is basically a wall that would be installed at that location so the excavation would not be some sort of step or benched excavation that would extend into the slope.

Mr. Francy questioned the amount of disturbance that the applicant will be asking a design waiver for.

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

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

16. Regardless of what sheet two of four of Exhibit A-47 shows, there is grading that occurs in that location to create that swale. Regardless of where this temporary excavation is, the grading will extend closer to the top of the slope thus necessitating the need for the waiver, more so than the temporary excavation.

17. The soil that will be removed he believes that Mr. Serpico testified that it would be trucked off site.

18. He listened to Mr. Serpico's testimony and on building one on the west side he testified to something that did not require benching the excavation.

19. We are requesting a waiver for the disturbance within the no disturbance buffer from the top of the slope, the slope itself in not being disturbed at that location.

20. He explained that whatever removal that is going to be taken from the site will have to take place interior to the site.

21. We are asking for a waiver for the north slope.

Mr. McOmber began to cross examine Mr. Busch.

Mr. Busch stated the following during his cross examination:

1. When we talk about removal and disturbance of the steep slope we are talking about the footprint of building number three, that is absolutely a part of the request for a waiver. However, there are two parts to the ordinance section; it talks about the slopes and talks about buffers from those slopes. So the removal of that slope requires a waiver and the disturbance within the proximity to the slopes also requires a waiver. So the general focus of the discussion in general has been on the removal of the slope in the middle of the site but it absolutely requires a waiver for disturbance within the proximity to the parameter, but it's not actual disturbance of the slope itself.

2. Zero to the top of the slope area, he explained there are other areas that would go to zero.

3. No it's not true about having heavy machinery at the top of the slope. There was actually again, referring to the staging plans there were specifically areas that were designated with a setback. There was an eighty foot setback from top of slope for heavy equipment and that was listed on sheet one. There will be equipment that is in there, dozers and grading equipment. Yes, there will be earth moving equipment near the top of the slope.

Stephen Szulecki, Environmental Commission Chairman began his cross examination of Mr. Busch.

Mr. Busch stated the following during his cross examination by Mr. Szulecki:

1. On the North East side the silt fence will go downward.

2. He spoke about their Freehold Soil Conservation application status.

Mr. Mullen asked if there were any questions from the public for Mr. Busch.

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

Hank Stober of 1 Scenic Drive questioned the location of the Minard line.

Mr. Busch described an exhibit that does show where the top of the slopes is.

Mr. Drobbin explained to Mr. Stober that Mr. Serpico gave testimony in August and September and Mr. Busch is not here to critique Mr. Serpico's testimony.

Connor Jennings of 27 Ralph Street questioned the area of where the applicant is seeking a waiver for the slopes surrounding the site and the interior of the site.

Mr. Busch responded by referring to sheet one of fourteen. He then read the ordinance section 21-65 with regard to disturbance of slope areas.

Mr. Drobbin stated that the public notice asked for general relief of waiver of steep slope.

Connor Jennings stated that tonight is the first time that he is hearing of a waiver being requested for surrounding slopes.

Mr. Busch described the grading in area of question.

Connor Jennings questioned the location of the stakes.

Mr. Busch explained how that the stake locations were set by survey. He stated that there is no vegetation disturbance on the north line and he will add a note to the plan.

Mr. Francy stated that the limit of disturbance should be set at the top of the slope.

Mr. Busch stated that he thinks that what needs to be put on the plans is that there is no vegetation disturbance in that north slope.

Connor Jennings – sheet two of three of the steep slope analysis, he commented on the note that there's no disturbance of 25 to top of slope. He feels that construction equipment on the top of the slope to him means disturbance of the slope.

Mr. Busch explained that's why we are asking for a waiver of disturbance. He explained that they have agreed to restriction with regard to heavy equipment limit of area.

Mr. Busch questioned the easterly side between marker 2091 and 2094 and the distance is shown at 35 feet to the slope but the stake at that point is closer to the slope.

Mr. Busch explained that the restricted equipment will not be within the restricted area.

Connor Jennings questioned the slope disturbance.

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

Mr. Busch explained that they will be removing material in that area. There is a retaining wall on the east and west side of building two.

Connor Jennings questioned removal of matured trees and other growth.

Mr. Busch replied, yes, tree within in the interior of the main entrance will be removed which he further explained.

Joe Nicosia of Eastpointe asked if the big full green tree next to the garage will be removed.

Mr. Busch stated that he does not see any way that that tree won't get removed.

Mr. Mullen questioned existing drainage at the site.

Mr. Busch explained that it's basically surface run off.

There were no further questions from the public for Mr. Busch.

For the records Mr. Mullen, Mr. Francy and Mr. Parla and Mr. Schoellner all visited the site today.

John Jahr, Traffic Engineer was sworn in.

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

1. He stated that he is currently employed by Master Consulting. He then described his professional and education background as a Traffic Engineer Expert to the board. The board accepted his qualifications and there was no objection from Mr. McOmber.
2. He was involved in traffic impact of this site. He then gave description on his traffic report dated 10/13/2008 (ExhibitA-6).

Mr. Drobbin requested that Exhibit A-56 be marked into evidence which was the plan limit of clearing and disturbance dated 10/28/09. Exhibit A-6a was then marked into evidence which was a supplement report to A-6 dated 5/27/09

Mr. Jahr continued his testimony as follows:

3. He explained that this is a development application for 282 unit high rise condominiums. The first part of his traffic study is to go to the site and explore the existing condition. So we went to the site and observed the traffic conditions on Ocean Blvd, Orchard Street, Scenic Drive and Route 36.
4. After initial investigation the next part was for them to do any analysis on how the roads are working. He explained that there are tools to do the study. Part of their analysis of this site was to do an existing traffic count and analysis of the existing traffic condition, then we did a analysis of the no built conditions.

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

5. For this case we have a 282 unit high rise condominium complex, we then go to the Institute of Transportation Generation Manual and we determine what the projected traffic generation will be. They focus on the am and pm hour because those are the heaviest use times. He stated that

Ocean Blvd up to Scenic Drive is under the jurisdiction of NJDOT. He then further described the various jurisdictions of the surrounding streets. He does believe that he has received approval from the Monmouth County Planning Board Approval.

A-6a was marked – traffic supplement

Mr. Jahr continued his testimony as follows:

6. The report covered the existing conditions and focused on the main driveway and what was going to happen on the intersection of Ocean Blvd and Scenic Drive. There are no roads immediately adjacent to this project that has a traffic impact line owned by the Borough. The roads are all under the jurisdiction of a higher authority. A majority of the traffic is going to access Route 36 during peak hours.

7. Peak hours are 7-8am and 5-6pm in this area.

8. Because of the location of this site a majority of the traffic is going to access Route 36, which he further explained.

9. Essentially the data that they collected was from September 30, 2008 to October 6, 2008 and again on April 9, 2009. and the trip generation from the proposed project will generate 111 trips in the am peak hour and 21 of those trips are expected to enter and 98 to exit. In the pm peak hour they expect to have 109 trips of which 16 enter the site.

10. I.T.E. is the industry standard for traffic generation.

11. There is a minimal increase in traffic for proposed verses existing mobile home. There would be about 63 new trips in the am peak hour and approximately 45 new trips in the pm peak hour.

12. 111 Total vehicles coming out of the site during the am peak hours.

13. They did their analysis they came up with a way to look at this which was done by looking at a grading system. So we have two unsignalized intersections and the grading system is based on the amount of delay. The Level of Service of A is a delay of less than 10 seconds. Level B would have meant it's more than 10 seconds but no more than 15 seconds. There is no level of service found to be less than level C.

14. At the site driveway their analysis indicated that at the site driveway they will maintain level of service between A and B in the am and pm peak hours. At the intersection of Orchard, Ocean Blvd and Scenic Drive we will maintain levels B and C for throughout the am and pm peak hours. In order to give you a feel of how things will change on the last page of his report indicates that the today the level of service for Ocean Blvd is A and B during the am peak hours and during the pm peak hours we have an A & C level.

15. He then described the delay of level of service.

16. The overall traffic impact is very minimal.

17. There are no failure conditions ever.

18. After the development is built the change in the four intersections would be the same as whether you build this or not.

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

19. He then explained the delay and level of service of May 7th and again he stated that the overall traffic impact is very minimal.

20. He used the ITE Standards for his study.

21. The County only has one jurisdiction intersection.

22. He looked at parking and he would like to point out both traffic and parking numbers are very conservative.

23. This is similar to Eastpointe and he did study of Eastpointe parking and there will be more than adequate parking for the proposed site. It will operate very well at this site.

24. They will have plenty of parking at this site.

25. The number of handicap parking spaces needed is 2% of total and that requirement is met because there are 20 spaces on site.

26. There are 602 parking spaces provided and 594 are required.

27. Circulation of the site – he described referring to Exhibit A-13 and explained that the largest fire truck would be able to access the site.

28. NJDOT is currently reviewing the application for drainage.

29. He spoke about the board previous request for the installation of sidewalks and they are ok with that if they get NJDOT approval and he cannot guarantee NJDOT approval.

Mr. Drobbins requested that exhibits A-6 and A-6a be marked into evidence and there were no objection.

The Board took a brief recess at 9:56 p.m.

Mr. Mullen called the meeting back to order at 10:08 p.m.

Mr. Jahr continued his testimony as follows:

ROLL CALL:

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

ABSENT: Mr. Manrodt, Mr. Bahrs

The Board stated that Industry Standards for peak time here is the 6:00 and 6:40 ferry time.

Mr. Jahr continued as follows:

30. He explained his study was based on busiest hour in highlands at those intersections.

31. He stated that there are older residents at Eastpointe than anticipated at this site.

32. Scenic & Route 36, not critical as jug handle from ferry traffic. They don’t analyze that intersection.

33. It is difficult to predict how many of the trips leaving the site will go to the u-turn.

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

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

Mr. Jahrs stated the following during his cross examination:

1. He did not perform analysis of Route 36. He did look at traffic counts on Route 36.
2. Truck Template on A-16, a garbage truck template - his concern was a fire truck so they solicited fire chief of Horton Fire because he does turn template. He stated that Highlands does not have one of the largest fire trucks.
3. He does not believe that our fire trucks will fit around the oval and he would say that no delivery trucks in oval.
4. He continued to speak about truck circulation on the site.
5. He spoke about the 6/17/09 fire truck template.
6. Yes an ambulance can access the site.
7. He doesn't thing thin did a template for a tractor trailer.
8. There is no vehicle larger than the fire truck that they used for access to the site.
9. He has no concerns .

There were no further questions from Mr. McOmbler.

Mr. Mullen asked if there were any questions from the public for Mr. Jahr but there were none.

Mr. Mullen offered a motion to carry this hearing to the December 10th meeting without the need for further notice, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

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

NAYES: **None**

ABSTAIN: **None**

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

The Meeting adjourned at 10:55 pm.

CAROLYN CUMMINS, BOARD SECRETARY

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

HIGHLANDSNJ.COM

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

HIGHLANDSNJ.COM