

**Borough of Highlands
Planning Board
Regular Meeting
July 14, 2011**

Mr. Stockton called the meeting to order at 7:36 P.M.

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

Mr. Stockton made the following statement: As per requirement of P.L. 1975 Chapter 231. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Planning Board and all requirements have been met. Notice has been transmitted to the Asbury Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Mullen, Mr. Schoellner, Mr. Parla, Ms. Peterson, Mr. Stockton

Absent: Mr. O'Neil, Mr. Roberts, Mayor Nolan, Ms. Ruby Mr. Shields

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq. Board Attorney
Martin Truscott, P.P., Board Professional Planner

Resolution Supporting Bike Path Grant

Mr. Parla offered a motion to move on the adoption of the following Resolution:

BOROUGH of HIGHLANDS PLANNING BOARD

WHEREAS, the Planning Board received a request from the Highlands Borough Environmental Commission to review an Intra Borough Bicycle Plan prepared for the Borough of Highlands by the Environmental Commission; and

WHEREAS, the Planning Board is required by the Municipal Land Use Act to review all proposed capital improvement projects for the Borough and set forth its findings and recommendations in the form of a resolution; and

WHEREAS, members of the Environmental Commission appeared at the public meeting of the Board held on June 9, 2011, and presented testimony, a video presentation and a draft of the Plan dated May, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Highlands, assembled in public session on July 14, 2011, that the following findings and determinations are hereby adopted by this Board:

1. The Board finds that it has the jurisdiction to act upon the review of the Plan pursuant to the provisions of the Municipal Land Use Act of the State of New Jersey.
2. The Board finds that the Plan submitted and explained by the testimony of the witnesses is informed by and consistent with the Circulation Plan Element of the Master Plan of the Borough of Highlands.
3. All of the Board members unanimously support the Plan and the efforts of the Commission and its consultant, Martin Truscott of T & M Associates.
4. The Board recommends that the Borough give the Commission the support it needs to implement the Plan.

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

ROLL CALL:

AYES: Mr. Schoellner, Mr. Parla, Mr. Stockton

NAYES: None

ABSTAIN: None

Professional Service Resolutions:

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

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
AUTHORIZING PROFESSIONAL LEGAL SERVICES FOR THE PERIOD OF
JULY 1, 2011 THROUGH DECEMBER 31, 2011**

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

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

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution in January of 2011 appointing Jack Serpico, Esq., from the firm of Jack Serpico, Esq., as Planning Board Attorney for a one (1) year term expiring December 31, 2011.

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, 2011 through December 31, 2011; 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 2011 Municipal Budget/

Planning Board Budget
Account #1141-3755 - \$4,000.00
July 1, 2011 – December 31, 2011

Stephen Pfeffer, CFO

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, 2011 through December 31, 2011.
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. Schoellner and adopted on the following roll call vote:

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ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Ms. Peterson, 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, 2011 THROUGH DECEMBER 31, 2011**

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 in January of 2011 appointing Robert Keady, P.E. of T & M Associates as Planning Board Engineers for a (1) one year term expiring December 31, 2011; and

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, 2011 through December 31, 2011; 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 2012 Municipal Budget.

Planning Board Budget
Account #1141-3757 = \$2,200.00
July 1, 2011 – December 31, 2011

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:

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1. That both Robert Keady, P.E. of T & M Associates is hereby retained to provide Professional Engineering Services as described above for an amount not to exceed \$2,200 for the period of July 1, 2011 through December 31, 2011.
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.
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. Schoellner and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Ms. Peterson, Mr. Stockton

NAYES: None

ABSTAIN: None

Review of HBP Zoning Recommendations:

Mr. Stockton stated that the Highlands Business Partnership submitted a report on proposed zoning amendments and the Governing Body has referred it to the Planning Board to review and report back to Council.

The Planning Board reviewed the Highlands Business Partnership Zoning Recommendation Report as well as letters from concerned citizens.

Mr. Stockton explained that we get the recommendation from Mayor & Council and then we make a decision based on discussions about that request. Then we write back to Mayor & Council and from he understands the Mayor & Council is looking for us to reply back to them for their August meeting. We should set up a subcommittee to review everything and then have them report back to the board. He then requested that we authorize the Board Attorney and Planner to participate in the subcommittee meeting.

Ms. Peterson – it looks like this is addressing the entire town, isn't that basically a Master Plan revision? If that is the case, we had discussions earlier in the year and decided not to redo the master plan this year plus we just rezoned the down town a couple of years ago. She wants to understand why?

Mr. Parla – this is a very extensive amendment.

Mrs. Cummins explained that this was verbally referred to the Planning Board for review.

Mr. Stockton – when the board makes their recommendations to the Mayor & Council, they can either take our recommendations or not.

Mr. Parla offered a motion to authorize the Board Attorney and Board Engineer and Planner to come onboard with this, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Ms. Peterson, Mr. Stockton

NAYES: None

ABSTAIN: None

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Mr. Mullen offered a motion to designate the following members to the Subcommittee: Ms. Peterson, Mr. Mullen, Mr. Stockton, Mr. Schoellner. Seconded by Mr. Schoellner and all were in favor.

The Board Secretary was directed to schedule a subcommittee meeting and to publish notice of said meeting.

Lawrence Colby, Board Member of the Highlands Business Partnership was sworn in.

Carla Cefalo-Braswell, President of the Board of Directors for the Highlands Business Partnership was sworn in.

James Philip of the HBP was sworn in.

The Board began discussions with the HBP Representatives.

Larry Colby explained reasons for recommendations. He didn't want to ignore any zones. He asked himself what is there, how did it get there and how can it change. The main problem is that Bay Avenue is too long. He is a resident and property and business owner and he looked at this from all angles.

Carla Cefalo-Braswell stated that one of the things the HBP focused on was they looked at where the disposable income comes from. They looked at absentee property owners, the fact that Bay Ave is too long and they looked at flooding. We need to create a more walk able community and want to improve absentee landlord problems.

Larry Colby wants to create more economics for town which he further explained his vision. He stated that there is a lot of substandard housing that attracts fewer consumers and uses our municipal services. We basically are preserving our worst properties and having non-conforming properties and anything new would require a use variance. Use variances are iffy and discourages people from coming to the table. He then stated that he knows people that live up on the hill and can barely afford their homes anymore. Years ago we use to give use variances to people to allow people to have an owner occupied unit and were able to save their house. By allowing apartments you allow for younger people to come in and for it be more affordable.

Mr. Mullen – your trying to get the tax rate up and make it more unaffordable?

Mr. Colby – I am not trying to get the tax rate up. I am trying to take a piece of property that is of poor use and give it to its highest and best use.

Mr. Mullen – how do you increase the tax rate and maintain affordability?

Mr. Colby – basically, there is a piece of property up on the hill and your using a piece of property that at this time is doing nothing.

Ms. Peterson – two family houses would kill the property values. Increasing the density and more use of municipal services, how is that helping us? She stated that she would not want to see two unit houses in her neighborhood.

Larry Colby – it would have to be owner occupied two family units.

Mr. Mullen – who would administer that? It seems that you want to increase density and revenue to the town.

Larry Colby spoke of allowing small residential apartments in houses.

Mr. Mullen stated that with residential development comes the need to provide municipal services. In commercial development it does not put people in schools and takes away its own trash, for the most part they are not defenseless.

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Larry Colby spoke of problems with getting insurance for commercial stores on Bay Ave, which he further explained.

Mr. Mullen questioned Mr. Colby's theory and disagreed that condo's haven't helped the town.

Carla Cefalo-Braswell – we are talking about using existing vacant properties for residential uses like the M & R building on Bay Ave.

Discussion continued.

Mr. Mullen stated that he was surprised that the HBP wants to give up commercial space for residential units.

Larry Colby – we have all these vacant buildings on Bay Ave.

Mr. Mullen questioned putting residential frontage on Bay Ave.

Discussions continued.

Carla Cefalo-Braswell stated that we are not going to have the main street that we want because it's so spread out and the flooding issues. We need residents with disposable income for the businesses.

Larry Colby further described his recommendations to the board.

Discussion continued.

Carla Cefalo-Braswell – we are limited to the kind of businesses we can attract. We need the residents that need the type of businesses that you can't get from internet.

Larry Colby spoke about the negatives of condominium developments and further spoke of his zoning recommendations.

Discussions continued.

Mr. Parla stated that the Rafella Lee is on the HBP Board and there is a letter from her son dated July 5, 2011 Christian Lee letter of comments regarding the height. He asked if the HBP is taking contrary view to the height.

Larry Colby – what we basically said is that they can have the height and go up if there is an apartment underneath it. He stated that Rafella Lee abstained on the vote on this. He then stated that he was okay with keeping the ordinance height the same in the block of the Christian Lee letter.

Mr. Parla asked how we are going to address the Fishers questions that they submitted in a letter.

Larry Colby stated that he already spoke with the Fishers. He felt why should we restrict those folks of selling their property to neighboring property owners but if these residents didn't want this then he wouldn't want to thrust this upon them which he further explained.

Discussions continued.

The Board requested that a disk of the photographs that the HBP submitted be provided to the board members.

Jim Philip stated that there would have to be a change in the ordinance and in the master plan to try to make Highlands a better place to live. We can't do that without the Boards assistance and the Borough's assistance. We are trying to give a lot of choices and have the board provide

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comments. For us to survive as a town of Highlands we have to change our outlook, the way we do things to make us more attractive and all you have to do is look at what has happened in Asbury Park and others.

Mr. Mullen – growth isn't always a good thing, which he further explained.

Jim Philip – we can make changes in what we do have to make it more attractive but you can't do that with today's ordinance.

Mr. Mullen – does it make sense to change the fabric of the town.

Jim Philip stated that if we don't increase the retables and the taxes then we will not be an independent community.

Mr. Stockton called for a five minute recess at 8:50 p.m.

Mr. Stockton called the meeting back to order at 9:00 p.m.

Resolution RE: Zoning Ordinance Amendment (O-07-07)

Mr. Stockton announced that this matter will be carried to the August Meeting because there are not enough eligible members present this evening.

Review of HBP Zoning Recommendations:

Larry Colby commented on an old boarding house in the borough.

Mr. Stockton advised Mr. Colby to stick to the report.

Carla Cefalo Braswell spoke about page 8 of the HBP report. She commented on 15 Bay Ave and the old previous uses at that site and how they were not permitted to have a certain commercial use.

Public Questions:

Ida & Barry Fisher of 11 Locust Street stated that their main concern was on page 5 of the report about non permitted uses which causes problems with lenders for non-conforming uses. She wants to make sure we keep their houses a permitted use so her property value does not go down. She said make sure single family is included in the Mixed Use Zone.

There were no more questions from the public; therefore the public portion was closed.

Mr. Stockton – we will take this to the Planning Board Subcommittee and bring back a report at the next Planning Board Meeting This carried to the August 11th Meeting.

Carla Cefalo-Braswell stated that this was presented on behalf of the Economic Committee of the HBP.

Mr. Serpico then marked the following documents into evidence:

HBP Exhibit #1:	June 9, 2011 HBP Report
HBP Exhibit #2:	Book of Photo's

Communications:

Letter from Borough Administrator RE: Memoria Project

Mr. Francy explained that this is a project that will not be using public funds. It's a nonprofit doing a Memoria Project at the Veterans Park.

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Mr. Serpico – you don't need to be here if you're not spending public funds.

Approval of Minutes:

Mr. Schoellner offered a motion and moved on the approval of the June 9, 2011 Planning Board Minutes, seconded by Mr. Parla and all eligible members were in favor and Mr. Stockton abstained.

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

The meeting adjourned at 9:24 P.M.

CAROLYN CUMMINS, BOARD SECRETARY