

**Borough of Highlands  
Planning Board  
Regular Meeting  
March 8, 2012**

Mr. Mullen called the meeting to order at 7:39 p.m.

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

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

**ROLL CALL:**

**Present:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mr. Redmond, Mr. Hill,  
Mr. Gallagher, Mayor Nolan

**Absent:** Mr. Schoellner, Mr. Roberts, Mr. Stockton, Ms. Ruby

**Late Arrival:** Mayor Nolan arrived at 7:45 p.m.

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

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**PB#2011-1 Scaturro Irrevocable Trust  
Block 1 Lots 14-18 and Block 3 Lots 9-11, Portland Road  
Approval of Resolution**

Mr. Serpico explained to the board that this is a very involved resolution and so he requested that this be carried to the next meeting and Mr. McGann has no objections to this.

There were no objections from the board therefore this resolution will be carried to the April 12, 2012 Planning Board.

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**Review of Zoning Ordinance O-12-9 (Passed Introduction on March 7, 2012)**

Mr. Mullen read the title of Ordinance O-12-9. He then stated that he had questions on how this ordinance was created.

Mrs. Cummins stated that this ordinance was referred to the Planning Board for review and the board has a limited amount of time. The Council has set a public hearing date for April 4, 2012.

Mr. Serpico stated that the Board has 35 days to review from the date of referral. He then read from the State Statue regarding review procedures.

Mr. Mullen stated that he thought that our Planning Board Report stated that this was not consistent with our Master Plan.

Mr. Serpico stated that the Marty Truscott letter states that the ordinances are not consistent with the Master Plan.

Mayor Nolan arrived to the meeting.

Mr. Gallagher stated that this means that the Council must serve public notice.

Mr. Serpico – Council would also need a majority of full council vote and must state why they disagreed with the Planning Boards Report.

Ms. Peterson – what happened to Open Space that was part of our recommendations.

Mr. Mullen – what about the setback for the ridge.

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The Board had discussions on the ordinance.

Mr. Mullen – there is no planning, no thought. This is allowing incredibly intense development in a small buildable area.

Mayor Nolan spoke of the Planning Board Subcommittee meetings.

Mr. Mullen stated that he is discouraged with this, it's just a rehash of the high rise scheme. He stated that it's now become the most density usage at twenty.

Discussions continued about open space and public access.

Mr. Serpico – the board can review and send prior recommendations back to council.

Mr. Mullen stated that we need to address maximum building size and setbacks and need more regulations. He then questioned why we were changing it to a conditional use, it should be a permitted use.

Mr. Gallagher agrees that it should be a permitted use.

Discussions continued.

Mr. Parla then read from the subcommittee meeting notes.

Mrs. Cummins provided the previous Planning Board Resolution and Report on this.

Mr. Serpico – we need to state that this is not in compliance with Master Plan.

Mr. Mullen – the conditional uses should be permitted uses.

Discussions continued.

Mr. Parla then read from the Planning Boards prior recommendations.

Mr. Mullen – it does not sound like the Council incorporated those thoughts into this ordinance. He then read from the Master Plan LU-13.

Discussions continued.

Mr. Keady spoke about the RSIS Standards for driveway and parking requirements.

Mr. Hill questioned section two, number of units.

Ms. Peterson suggested that the board send the original report back to the Council.

Public Portion

Lori Dibble of 32 Paradise Park questioned the procedure since this is not a master plan revision.

Mr. Serpico responded.

Joseph Necosia of Eastpointe Condos questioned the regulations on parking garages.

Mr. Gallagher – the ordinance as presented would be six stories from grade. Parking would be underground. We should amend our report to midrise, six stories above grade including parking.

Joseph Necosia questioned height.

Mr. Gallagher explained.

Pauline Jennings of 27 Ralph Street questioned public hearing date and public notice.

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Mrs. Cummins explained the public notice requirement.

Mr. Stober questioned the ordinance the rationale of having a midrise verses a high rise.

Mr. Serpico then recapped the new point of interest for this ordinance is the maximum height of six stories.

Ms. Peterson motion is amended to include the new recommendation of maximum building stories, seconded by Mr. Parla and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Redmond,  
Mr. Hill, Mr. Gallagher

**NAYES:** None

**ABSTAIN:** None

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**Review of Zoning Ordinance O-12-10 (Passed Introduction on March 7, 2012)**

Mayor Nolan left the meeting room briefly.

The Board discussed Zoning Ordinance O-12-10 and the Planning Board Subcommittee report on the HBP Zoning recommendations for this ordinance.

Mrs. Cummins – then spoke about taxi uses are currently not permitted and that the Board may want to consider allowing that use.

Mr. Gallagher spoke about possibly allowing tattoo parlors as permitted uses.

The Board further discussed taxi cab uses.

Mr. Mullen it should be a conditional use which he further explained.

Discussions continued about permitting taxi cab use. The board decided to recommend a taxi cab use as a conditional use and that the Planner should establish appropriate standards.

Section three of the ordinance was then discussed by the board which was regarding the expansion of the MXD Zone and the expansion of the permitted uses as recommended by the HBP.

Board wants wording to state that the two acres of land must be contiguous. Also change section three wording on the second to last sentence from “shall” to “may”.

Section four, basically the ordinance is combining the uses of the business districts.

The Board recommended that that number three of this section be deleted.

The board continued discussions of each item in Ordinance O-12-10 and various recommendations.

Lori Dibble of 32 Paradise Park questioned section seven. She stated that in the last seven years no application for homes but homeowners association is now the contract purchaser of the Paradise Mobile Park and they will want to replace old units with new units.

Councilman Francy spoke about allowing mobile homes as a permitted use in the MXD zone would help the homeowners association with the financing.

Mr. Serpico stated that this must be deferred to the Planner to put limitations on mobile homes.

Lori Dibble stated that the current owner of the mobile park sent a letter that they do not oppose permitted mobile homes.

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Board continued discussions.

Mr. Mullen then asked the public if they had any further questions.

Lori Dibble of 32 Paradise Park questioned the effect of zoning with regard to market value of homes. She asked several questions about the impacts and procedures of the zoning ordinance amendments.

Mr. Serpico and the board responded to Ms. Dibble.

There were no further questions.

Mr. Serpico explained to the board that he has prepared resolutions for approval tonight and the board can incorporate this evenings comments into the Resolutions.

Councilman Francy commented on the ordinance.

Mr. Mullen then offered a motion to take a brief recess, seconded by Mayor Nolan and all were in favor. The Board began the recess at 9:56 p.m.

Mr. Mullen called the meeting back to order at 10:16 p.m.

**ROLL CALL:**

**Present:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Redmond, Mr. Hill, Mr. Gallagher

**Absent:** Mr. Schoellner, Mr. Roberts, Mr. Stockton, Ms. Ruby

**RESOLUTION RE: O-12-9**

Mr. Serpico then read the resolution for approval.

**Mayor Nolan** offered the following Resolution and moved its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-12-9  
ZONING ORDINANCE AMENDMENTS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-12-9, which Ordinance will amend the Borough Zoning Ordinance; and

**WHEREAS**, the Municipal Land Use Act, N.J.S.A. 40:55D-26 & 64, requires that the Planning Board prepared 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 March 8, 2012; and

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**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 Ordinance O-12-9 is **inconsistent** with the Land Use and other elements of the Highlands Borough Master Plan and the Ordinance **does not** advance the purposes of planning and zoning and advances the planning objectives of the Highlands Borough Master Plan.

**BE IT FURTHER RESOLVED** that in addition to the foregoing the Board hereby makes the following recommendations to the Mayor and Council:

1. The ordinance should be clarified to state that the maximum height of any midrise structure shall not exceed six (6) stories including any above ground parking facility that is incorporated in the midrise structure.
2. The Board recommends that the governing body review the prior recommendations previously forwarded by this Board in 2011 that address the contents of the ordinance. The Board continues to believe that those recommendations are sound and consistent with good planning practices. The above mentioned report is annexed hereto and made a part hereof.

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit said findings 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 Ms. Peterson and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Redmond,  
Mr. Hill, Mr. Gallagher

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION RE: O-12-10**

Mr. Serpico then read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-12-10  
ZONING ORDINANCE AMENDMENTS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-12-10, which Ordinance will amend the Borough Zoning Ordinance; and

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**WHEREAS**, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepared 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 March 8, 2012; 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 Ordinance 0-12-10 is **inconsistent** with the Land Use and other elements of the Highlands Borough Master Plan and the Ordinance **does not** advance the purposes of planning and zoning and advances the planning objectives of the Highlands Borough Master Plan.

**BE IT FURTHER RESOLVED** that in addition to the foregoing the Board does hereby make the following findings and recommendations to the Mayor and Council:

1. Expansion of the MXD Zone into the R 1.03 and WC Zones is inconsistent with the Master Plan.
2. Section 2, 21-74 entitled Prohibited Uses- The Board recommends that Taxi/Livery companies be permitted as conditional uses with appropriate standards to be applied to said uses by the Borough (Board) Planner.
3. Section 3 d- Omit the term "shall" from the last line and insert the term "may".
4. Section 4, 3a- Omit this section in its entirety.
5. Sec 4, 3c- Omit this section in its entirety. Additionally review the Section B-1 overlay standards for application to this item.
6. Section 5, 3a- Omit this section in its entirety.
7. Section 5, 3c- Omit this section in its entirety. Additionally review the Section B-2 overlay standards for application to this item.
8. Section 7- Omit the term "shall" from the last line and insert the term "may".
9. Section 8 B-2a- Omit the term "excluding" and insert the term "including".
10. Section 8 B-3- The Board recommends that the Planner craft language that will make this section consistent with other applicable sections that limit this permitted use to existing locations.
11. Section 8 B-4- The Board recommends that the maximum permitted height be limited to 47 feet.
12. Section 9- The entire section should be consistent with the B-1 and B-2 zone provisions that permit residences above the first floor of a structure. A review and clarification of this section by the Planner is also recommended.

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit said findings 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. Parla and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Redmond, Mr. Hill, Mr. Gallagher

**NAYES:** None

**ABSTAIN:** None

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Approval of Minutes:

Mayor Nolan offered a motion to approve the February 9, 2012 Planning Board Minutes with a correction to be made on page five, change Gallagher to Mr. Mullen, seconded by Mr. Parla and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Mullen, Mr. Parla, Mayor Nolan, Mr. Redmond, Mr. Gallagher**

**NAYES: None**

**ABSTAIN: None**

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

The Meeting adjourned at 10:26 p.m.

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**Carolyn Cummins, Board Secretary**