

**Borough of Highlands
Planning Board
Regular Meeting
August 14, 2014**

Meeting Location: Highlands Elementary School, 360 Navesink Ave, Highlands, NJ.

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

Mrs. Cummins read 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, Two River Times and the Star Ledger. Notice has been posted on the public bulletin board.

ROLL CALL:

**Present: Mayor Nolan, Mr. Gallagher, Mr. Redmond, Mr. Colby,
Mr. Stockton**

**Late Arrival: Mr. Danzeisen arrived at 7:44 P.M.
Mr. Francy arrived at 7:35 P.M.**

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

**PB#2014-3 Piccolo, Tommaso
1 Atlantic Street – Block 72 Lot 8, Block 69 Lot 13
Motions for Adjournment**

Present: None

Mr. Stockton gave a brief history of the application and postponements.

Mr. Stockton offered a motion to dismiss the application. Seconded by Mayor Nolan and approved on the following roll call vote:

ROLL CALL:

**AYE: Mayor Nolan, Mr. Gallagher, Mr. Redmond, Mr. Francy, Mr. Stockton
NAY: None
ABSTAIN: None**

**PB#2014-1 Scanlon, Eileen
22-24 Fifth Street – Block 56 Lot 15
Approval of Resolution**

Mayor Nolan offered a motion to move on the adoption of the following Resolution:

**RESOLUTION APPROVING THE SITE PLAN AND VARIANCE
APPLICATION OF EILEEN SCANLON FOR 22-24 FIFTH STREET, BLOCK
56, LOT 15**

WHEREAS, the applicant is the owner of property known as Block 56, Lot 15 on the Borough of Highlands Tax Map, which property is located at 22-24 Fifth Street, Highlands, New Jersey and is located in the WT-CT Zone; and

WHEREAS, the applicant has applied for preliminary and final site plan approval and bulk variances for the demolition and reconstruction of one unit, designated as unit #5 (and increasing the square footage from 372 square feet to 386 square feet), that was severely damaged by Hurricane Sandy. There are a total of five bungalow units at the site. In addition to the foregoing the applicant has applied for bulk variances and site improvements including a driveway and parking for six (6) automobiles. The details of the foregoing application are set

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forth in the application filed with the Board and on the maps and exhibits presented to the Board at a public hearing held on June 12, 2014; and

WHEREAS, all jurisdictional requirements have been met and proper notice was given pursuant to the Municipal Land Use Act and Borough Ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a public hearing held on June 12, 2014; and

WHEREAS, Eileen Scanlon, the applicant and Catherine Franco, a licensed architect and planner in the State of New Jersey testified on behalf of the applicant at the public hearing; and

WHEREAS, members of the public were given the opportunity to testify at the public hearing; and

WHEREAS, the Board after considering the evidence and testimony presented by the applicant and the members of the public, has made the following findings of fact and conclusions based thereon:

1. The property is located in the WT-C Zone.
2. The proposed use is a permitted use in the aforementioned zone.
3. The variances required in connection with this application are as follows:
 - a. The required minimum side yard setback is 6/8 feet and the applicant has proposed 3.0/3.0 feet.
 - b. There are multiple existing bulk deficiencies or variances associated with this property that are not being affected by this application and remain the same in the future.
 - c. The required on-site parking requirement pursuant to the zoning ordinance is 6 spaces, which spaces will be installed on the premises by the applicant.
4. The applicant's planner/architect opined that the variances are necessitated by the exceptional narrowness of the lot (C-1 criteria) and that the new layout has improved the conditions at the subject premises and lessened the negative impact of the variances on the applicable provisions of the zoning ordinance (C-2 criteria). The planner also testified on the hardship that the applicant would suffer if the variances were not granted.
5. The Board accepts the testimony of the applicant's planner as the basis for the grant of the variances and finds that the proposed project will not substantially impair the intent and purposes of the applicable provisions of the zoning ordinances and master plan and will not have any substantial negative impact on the neighborhood in which the project is located.
6. The site plan portion of the application as presented, in conjunction with the conditions of approval imposed by this Board hereinafter, complies with the applicable development ordinances of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony and exhibits has found the proposed project to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for preliminary and final site plan approval and variances is hereby approved contingent upon the following conditions being met;

1. All testimony, evidence and representations made by the applicant and her witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant shall comply with all of the outstanding comments and conditions set forth in the Board Engineer's report for this project dated April 4, 2014, which report is incorporated herein in full by reference thereto.
4. The applicant agrees to post performance bonds and/or inspection fees as determined by the Borough Engineer if any.

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5. The applicant will obtain the approval of all required outside agencies for the project.
6. The applicant's architect shall revise the plans and include the following items:
 - a. The six (6) on-site parking spaces as directed by the Board at the public hearing.
 - b. Increase the side yard setback of the proposed structure to three (3) feet from the two (2) feet originally proposed and redesign the second floor of unit #5 to be cantilevered over the driveway.
 - c. Submission of working drawings showing the required "flood vents". Said vents must be FEMA compliant.
 - d. The Zoning Table set forth on the plans must be revised to show the correct information.
7. This approval is subject to the review and approval of the plans by the Borough Fire Marshal and the conditions set forth in his report to be issued after the review. In the event the Fire Marshal is not satisfied with plans as amended and approved by this Board, the applicant must return to this Board for further hearings of this matter.
8. The first floor of proposed unit #5 will only be used for storage purposes.

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

Ayes: Mayor Nolan, Mr. Redmond, Mr. Stockton
Nays: None
Abstain: None
August 14, 2014.

Review of Petition for De-annexation of properties

The Board reviewed the petition for deannexation of properties located on Bayside Drive.

Mr. Serpico explained the Planning Board requirements and referred to the State Statute.

The Board discussed.

Mr. Gallagher spoke of about the lack of access to Highlands from the subject properties.

Board discussed road conditions.

Mr. Francy asked if we could take no position on loss of revenue. Requested that the Planning Board Resolution on this matter direct the Mayor & Council to deal with the road and to determine if we need to abandon the road.

Mr. Stockton stated that all properties are on one side of road.

Discussion of recommendations to require permitted uses of the properties be of a single family use.

Public

Peter Mullen questioned why we would let people leave the borough.

Mr. Serpico explained that this is a decision for the Governing Body, not the Planning Board.

Mr. Mullen – why would we recommend deannexation.

Mr. Stockton – because property owners requested deannexation. He also spoke about how the property owners only have access to their properties from Atlantic Highlands.

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD**

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WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of a Petition for De-Annexation of the properties listed in the petition annexed hereto and made a part hereof pursuant to N.J.S. 40A:7-12, from the Borough of Highland to be annexed to the Borough of Atlantic Highlands; and

WHEREAS, the aforementioned statute requires the Board to issue a report to the governing body setting forth the impact of the de-annexation on the Borough. Said report must be transmitted to the governing body within 45 days of the referral; and

WHEREAS, the Board conducted a review of the proposed Petition on August 14, 2014; and

WHEREAS, the Board received comments on the proposed Petition from the Board members, staff and members of the public; and

WHEREAS, the Board discussed the proposed Petition at the aforementioned hearing pursuant to the requirements of the aforementioned statute.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby adopts the findings and recommendations set forth below and further recommends that the Mayor and Council be guided accordingly when considering the Petition. The recommendations of this Board are as follows:

1. This Board supports the Petition of De-Annexation of the subject properties.
2. This Board recommends that the Mayor and Council consider de-annexing the street where the subject properties are located in addition to the subject properties.

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.

Mr. Gallagher offered a motion to move on the adoption of the foregoing Resolution:

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

ROLL CALL VOTE:

Ayes: Mayor Nolan, Mr. Gallagher, Mr. Redmond, Mr. Colby, Mr. Korn, Mr. Francy,
Mr. Stockton

Nays: None

Master Plan Discussion

Mr. Francy – we talked about the Master Plan review and that we want to incorporate FEMA reports. Recommended that we have presentation from Rutgers and that a report is due in first week of September.

Mr. Francy then spoke about an application before the Zoning Board wants to make residential floors and other things. People are starting to want to do things on Bay Avenue. The faster we due the Master Plan the better off we will be.

Mr. Serpico explained the master plan procedures. The Board should appoint a subcommittee to meet with the stakeholders. The subcommittee should then come back with tentative amendments to present to board.

Mr. Francy thinks there will be public input.

Mr. Serpico stated that the reexamination of the master plan should be around a six month process.

Discussions continued.

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Mr. Francy offered a motion to go out to bid for Planning services. The motion was not seconded.

Mayor Nolan offered a motion to authorize T & M to prepare a cost estimate. Seconded by Mr. Gallagher and approved on the following roll call vote:

ROLL CALL:

AYE: Mayor Nolan, Mr. Gallagher, Mr. Redmond, Mr. Colby, Mr. Korn,
Mr. Danzeisen, Mr. Francy, Mr. Stockton

NAY: None

ABSTAIN: None

Approval of Minutes:

Mayor Nolan offered a motion to approve the June 12th Planning Board Minutes. Seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

AYES: Mayor Nolan, Mr. Redmond, Mr. Korn, Mr. Stockton

NAY: None

ABSTAIN: None

Communications:

NJDEP Coastal Permit RE: Block 98 Lot 6.03 – board reviewed.

Mayor Nolan offered a motion to adjourn the meeting. Seconded by Mr. Redmond and all were in favor.

The Meeting adjourned at 8:15 P.M.

Carolyn Cummins, Board Secretary