

**Borough of Highlands  
Planning Board  
Regular Meeting  
September 11, 2014**

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

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

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

Mrs. Cummins made the following statement: As per requirement of P.L. 1976, 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, The Two River Times and the Star Ledger. Notice has been posted on the public bulletin board.

**ROLL CALL:**

Present: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton, Mr. Korn, Mr. Stockton, Mr. Francy

Absent: Mr. Gallagher, Mr. Danzeisen, Mr. Kovic

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

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PB#2014-3 Piccolo, Timasso  
1 Atlantic Street, Block 72 Lot 8 & Block 69 Lot 13  
Adoption of Resolution Dismissing Application

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

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**RESOLUTION OF THE BOROUGH OF HIGHLANDS PLANNING BOARD**

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DISMISSAL WITHOUT PREJUDICE

WHEREAS, Thommaso Piccolo, hereinafter referred to as the applicant filed an application with the Borough of Highlands Planning Board, hereinafter referred to as the Board, for site plan and variance approval for the premises located at 1 Atlantic Street (Block 72, Lot 8 & Block 69, Lot 13), in the Borough of Highlands; and

WHEREAS, the foregoing application was deemed complete and listed on the agenda of the Board for the May 8, 2014 meeting; and

WHEREAS, the application was partially presented to the Board on behalf of the applicant at the foregoing meeting and was continued to the hearing held on June 12, 2014, in order for the applicant to address issues raised by various Board members including but not limited to submission of a more complete set of plans that would include all of the properties that would be part of the application and new public notices in the newspaper and property owners within 200 feet advising them of all of the relief requested and all of the properties included in the application; and

WHEREAS, thereafter the applicant requested that the matter be adjourned from the meeting held on June 12, 2014 to July 10, 2014, which request was granted by this Board; and

WHEREAS, the applicant made a second request to adjourn the matter from the meeting held on July 10, 2014 to the meeting held on August 14, 2014, which request was granted by this Board; and

WHEREAS, the applicant made a third request to adjourn the matter from the August 14, 2014 meeting to the September meeting of the Board; and

WHEREAS, the Board finds that the applicant has not addressed any of the issues raised by the Board at the May meeting as of August 14, 2014, therefore the Board moved to dismiss

**Borough of Highlands  
Planning Board  
Regular Meeting  
September 11, 2014**

the application at said meeting without prejudice based on the non-compliance of the applicant with the requests of the Board.

NOW THEREFORE BE IT RESOLVED that based on the foregoing reasons this Board hereby dismisses the application without prejudice on August 14, 2014.

A motion to approve the foregoing action of the Board was made by Mayor Nolan and seconded by Mr. Francy

THOSE IN FAVOR: Mayor Nolan, Mr. Redmond, Mr. Stockton, Mr. Francy

THOSE OPPOSED: None

THOSE ABSTAINING: None

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Informal Review - Fuog, Arnie RE: Block 45 Lot 9 – 92 Bay Avenue

Present: Arnie Fuog

Mr. Fuog stated that there are two lots on Bay Avenue and wants to move a garage with apartment on top to the site. This is a mixed use possible retail on first floor. It's currently a vacant lot. The structure is currently located on a property located on Shrewsbury Avenue.

Mr. Serpico stated that is the applicant goes with only residential uses then he would need a use variance and would go before the Zoning Board.

Discussion with applicant and board.

Mr. Stockton stated that you can't have a residential use on in the flood zone.

Mr. Serpico informed the applicant to go to the Zoning Officer to get direction and to determine which board he should go before. He then explained the application process to the applicant.

Mr. Stockton informed the applicant to look and see if there is a minimum building coverage variance needed.

Mr. Serpico advised the applicant to make sure that the Zoning Officer has all the details of the application.

Mr. Truscott stated that the Zoning Officer only had limited information and that this application may require a use variance.

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**Review of T & M Associates Professional Cost Proposal for Master Plan**

Martin Truscott was sworn in.

Mr. Truscott gave an overview of the T & M proposal and stated that the Borough is eligible for Sandy Grant for cost of redoing the Master Plan.

Discussion.

Mr. Hill explained that the NJ Future working on grant.

Mr. Stockton spoke of having Stakeholder meetings.

Mr. Francy stated that the T & M proposal only has one public hearing meeting in it and we need more. He stated that the public should be invited to Stakeholder meetings. He would also like a power point presentation at the meetings.

Mayor Nolan – at the October meeting we need to form a subcommittee.

Mrs. Cummins will do a resolution for the October meeting awarding professional planning and legal services.

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**O-14-18 Zoning Ordinance Amendment Review**

**Borough of Highlands  
Planning Board  
Regular Meeting  
September 11, 2014**

Mr. Francy says that this amendment makes sense.

Mr. Serpico read from the ordinance.

Mr. Colby asked what if its conforming do you get 100%? He wants no 80% rule for conforming structures. He asked if we can make this this ordinance also apply to nonconforming uses.

Mr. Truscott stated that this would make improvements easier so it's within the Master Plan.

Mr. Serpico read thru the resolution making recommendations to ordinance O-14-18.

**Public Questions**

Peter Mullen of 11 Marine Place was sworn in and stated that there is no 80%restriction for conforming uses.

Mr. Stockton agreed.

Barbara Ianucci of 28 Shrewsbury Avenue was sworn in and questioned vertical additions and fire proofing requirements.

The Board advised Mrs. Ianucci that her interpretation of the ordinance is incorrect.

No further public questions- public portion closed.

Mayor Nolan offered the following Resolution and moved on its adoption;

**RESOLUTION**

**BOROUGH OF HIGHLANDS PLANNING BOARD REVIEW AND RECOMMENDATIONS FOR PROPOSED ORDINANCE # 0-14-18, AMENDING THE ZONING ORDINANCES OF THE BOROUGH OF HIGHLANDS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of potential zoning ordinance amendments that will amend Section 21-98 of the Borough Zoning Ordinance pertaining to Nonconforming Structures; and

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

WHEREAS, the Board conducted a review of the proposed amendment on September 11, 2014; and

WHEREAS, the Board received comments on the proposed amendments from members of the public; the Board Planner, Martin P. Truscott, P.P. and the members of the Board; and

WHEREAS, the Board discussed the proposed amendments at the aforementioned hearing pursuant to the requirements of the aforementioned statutes.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby adopts the findings and recommendations of the Board set forth below and further recommends that the Mayor and Council be guided accordingly when considering the adoption of the proposed Ordinance:

1. The Board finds that the proposed amendment is consistent with the Master Plan of the Borough of Highlands.
2. The Board recommends that the same criteria apply to conforming structures as well as nonconforming structures.

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.

**Borough of Highlands  
Planning Board  
Regular Meeting  
September 11, 2014**

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

ROLL CALL:

Ayes: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton, Mr. Korn,  
Mr. Francy, Mr. Stockton  
Nays: None  
Abstain: None  
DATE: September 11, 2014.

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**Review of Ordinance O-14-19**

Board briefly discussed this ordinance to increase the width of driveways.

Mr. Francy is uncomfortable with this ordinance and is concerned with loosing on street parking.

Board discussed.

Mr. Colby is okay with this ordinance.

Mr. Hill explained the driveway opening is still limited to 18 feet only changing interior of driveway.

Mr. Truscott explained that the ordinance is consistent with the Master Plan.

Public Hearing – No questions.

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD REVIEW AND  
RECOMMENDATIONS FOR PROPOSED ORDINANCE # 0-14-19, REPEALING ONE-  
WAY AND TWO-WAY OPERATION FOR RESIDENTAIL DRIVEWAYS AND  
AMENDING THE ZONING ORDINANCES OF THE BOROUGH OF HIGHLANDS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of potential zoning ordinance amendments that will amend Section 21-65.5 of the Borough Zoning Ordinance pertaining to Driveways; and

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

WHEREAS, the Board conducted a review of the proposed amendment on September 11, 2014; and

WHEREAS, the Board received comments on the proposed amendments from members of the public; the Board Planner, Martin P. Truscott, P.P. and the members of the Board; and

WHEREAS, the Board discussed the proposed amendments at the aforementioned hearing pursuant to the requirements of the aforementioned statutes.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby adopts the findings and recommendations of the Board set forth below and further recommends that the Mayor and Council be guided accordingly when considering the adoption of the proposed Ordinance:

**Borough of Highlands  
Planning Board  
Regular Meeting  
September 11, 2014**

1. The Board finds that the proposed amendment is consistent with the Master Plan of the Borough of Highlands circulation section #3.

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. Redmond and adopted on the following roll call vote:

Ayes: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton,  
Mr. Korn, Mr. Stockton

Nays: Mr. Francy

Abstain: None

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**Approval of Minutes**

Mr. Redmond offered a motion to approve the August minutes. Seconded by Mayor Nolan and approved on the following roll call vote:

Roll Call:  
AYE: Mayor Nolan, Mr. Redmond, Mr. Colby, Mr. Korn, Mr. Francy, Mr. Stockton  
NAY: Mr. Britton  
ABSTAIN: None

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**Communications**

The Board reviewed various correspondences.

**RA Multimedia Request for Zone Change**

Mr. Serpico explained that the Governing Body received a request for a zone change and referred it to the Planning Board to review. He said an ordinance should come from the County. Why review it if Council is not interested. So he said they can introduce an ordinance and then we can review it.

Present: Fred Rosiak, Applicant

Mayor Nolan stated that Mr. Truscott is doing a planning report for Council.

**Environmental Commission Report**

Mr. Francy stated that the Environmental Commission will be doing a presentation for Master Plan.

Mayor Nolan offered a motion to adjourn. Seconded by Mr. Hill and the meeting adjourned at 8:23 P. M.

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Carolyn Cummins, Board Secretary