

**Borough of Highlands  
Planning Board (Land Use Board)  
Regular Meeting  
February 11, 2016**

Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands, NJ 07732.

Mr. Stockton called the meeting to order at 7:34 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. 1975, Chapter 231 notice is hereby given that this is a Regular Meeting of the Borough of Highlands Zoning 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:** Mayor Nolan, Mr. Hill, Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Stockton, Mr. Kutosh, Ms. Ryan, Mr. Wells

**Absent:** Mr. Card

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

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**Resolution Appointing Vice Chair**

Mr. Gallagher offered a motion to appoint Ken Braswell as Vice Chairman of the Planning Board, seconded by Mr. Colby and approved on the following roll call vote:

**ROLL CALL:**

**AYE:** Mayor Nolan, Mr. Hill, Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Knox, Mr. Kutosh, Mr. Stockton

**NAY:** None

**ABSTAIN:** Mr. Braswell

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**Overview of Combined Boards**

Mr. Serpico gave a brief overview of the procedures for a Land Use Board. He stated that the Mayor is a Class I member and the Councilperson is a Class III member who both cannot vote on a use variance and that there are no alternates for a use variance.

The Board discussed and questioned Mr. Serpico about participation of certain Class members.

Mr. Serpico stated that the name of the board would remain Planning Board

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**PB#2016-1 Hebrank, Ronald  
50 Fifth Street – Block 66 Lots 7 & 7.01  
Application Review & Schedule Public Hearing Date**

**Present:** Ronald Hebrank

**Conflict:** Mr. Colby, Mr. Francy and Mr. Stockton all stepped down  
Mr. Hebrank, 50 Fifth Street, Highlands, NJ was sworn in.

The Board reviewed the application with the applicant and the following was stated:

1. The Applicant wants to elevate the four family houses and move it back 2 feet for off street parking. There will be an addition in the back for the utilities which will be a 21 X 18 ½ foot addition.
2. Extra living space needed because when you lift the house the applicant will lose the first floor of living space.
3. Application may require a use variance.

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4. The Applicant has an Attorney, Kevin Kennedy.
5. There were two structures originally but will amend application to change to one structure on lot.
6. The Board advised the Applicant that the Zoning Officer must review the new plans to see if a use variance is required.

Mr. Gallagher offered a motion to schedule this matter for a public hearing on March 10<sup>th</sup> if the applicant is prepared, seconded by Mayor Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYE:** Mayor Nolan, Mr. Hill, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Kutosh, Ms. Ryan, Mr. Wells

**NAY:** None

**ABSTAIN:** None

Both Mr. Colby and Mr. Francy returned to the table but Mr. Stockton did not.

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**Master Plan**

Mr. Wells stated that the Committee met on Monday and is set to have its next Stakeholder Meeting February 20<sup>th</sup> and it will be focused on Developers.

Carla Cefalo-Braswell of the Highlands Business Partnership was sworn in and stated that the Mr. Stockton contacted her and advised her that he will be sending her an email about the meeting so she can forward it on.

Mr. Serpico advised the Board not to get into detailed specifics on development applications and to limit it to overall development of an area.

Mr. Wells stated that the Environmental Commission will be submitting their input.

Mr. Francy questioned the COAH Professionals task.

Mayor Nolan explained that the Borough is trying to get clarification on borough's requirements.

Mr. Gallagher stated that COAH is in the hands of the court.

Carolyn Broullon, Council President was sworn in and stated that she read the Request for Proposals and yes they will be doing an audit/survey of the town which she further explained.

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**Review of T & M Zone Change Cost Proposal Dated February 10, 2016**

Mr. Keady explained that his is as a result of previous board discussions regarding the Rosiak Zone Change Request. He explained his proposal and stated that eh cost should be posted by the Applicant.

Mr. Serpico stated that it was his mistake that he forgot to send out the letter to the Applicant to ask for the survey, fees, title search, notice cost and ordinance fees for the zone change.

Mayor Nolan stated that he wants no costs incurred by the Borough and that he does not want spot zoning.

Mr. Francy stated that he read T & M's first letter and suggested that it did not make sense to him.

The Board continued to have discussions.

Mr. Colby questioned the spot zoning concerns.

Mr. Serpico stated that it would have to be looked into.

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Mayor Nolan asked if they could find out why there is an emphasis of doing this now and not waiting for the Master Plan.

Mr. Colby stated that it would be more thorough to do this with the Master Plan.

Mayor Nolan stated that if we are doing the Master Plan now then why worry about spot zoning issue. The Board should send this to the Master Plan Committee.

The Board continued to have discussions.

Mr. Braswell stated that he might be alright with this being done through the Master Plan.

Mr. Gallagher spoke about the Cofone report and then he questioned if the Board really needed a title search or under road survey. He believes that those items should not be a board issue. He does believe that a survey does make sense and that title work is not appropriate.

Mr. Serpico agreed.

Mr. Francy stated that Mr. Rosiak is asking for a WC-2 Zone and his property is enhanced from an encroachment and that the Board is just making acknowledgement of the encroachments.

Mr. Wells disagrees with Mr. Gallagher and stated that we need to get all of the facts.

Mr. Gallagher commented on the applicant costs for a three week process.

Ms. Ryan stated that she read through Mr. Rosiak's request and would like this to be done through the Master Plan process.

Mayor Nolan stated that it should be handled through the Master Plan.

The Board Colby offered a motion to have the Board Attorney serve notice to the Applicants Attorney and advise them of two options. First option is to go through the Master Plan process and the second option is to provide the requested documents and fees. Seconded by Mayor Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mayor Nolan, Mr. Hill, Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Kutosh, Ms. Ryan, Mr. Wells**  
**NAY: None**  
**ABSTAIN: None**

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**Approval of Minutes**

Mayor Nolan offered a motion to approve the January 14, 2016 minutes, seconded by Mr. Colby and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mayor Nolan, Mr. Colby, Mr. Francy, Mr. Wells**  
**NAY: None**  
**ABSTAIN: None**

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

The Meeting adjourned at 8:56 P.M.

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Carolyn Cummins, Board Secretary

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