

**Borough of Highlands  
Planning Board  
Regular Meeting  
March 10, 2016**

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

Mr. Stockton called the meeting to order at 7:38 P.M.

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 and the Two River Times. Notice has been posted on the public bulletin board.

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

**ROLL CALL:**

**Present:** Mr. Hill, Mr. Colby, Mr. Francy, MR. Gallagher, Mr. Braswell, Mr. Knox, Mr. Fox, Mr. Kutosh, Mr. Wells, Mr. Stockton

**Late Arrival:** Mr. Card arrived at 7:39 P.M.

**Absent:** Mayor Nolan, Ms. Ryan  
**Also Present:** Carolyn Cummins, Board Secretary  
Jack Serpico, Esq., Board Attorney  
Martin Truscott, P.P.  
Robert Keady, P.E., Board Engineer

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**PB#2016-2 Neuwirth, Jason  
43 Cornwall Street – Block 48 Lot 4  
Application Review & Schedule P.H. Date**

**Present:** Jason Neuwirth

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

1. He elevated house and added a garage so then he added a second driveway that he wants to keep.
2. On the plans the existing conditions are too light to read so Applicant must provide and bring plans to the hearing.
3. The applicant is seeking a variance/waiver from the ordinance for the driveway.
4. The Board wants Applicant to do a drive by of the area to see if there are similar driveways to determine if its out of character of the neighborhood. The Applicant must bring photographs to the hearing.
5. The Board Engineer stated that the application is for a design waiver for the driveway.
6. The Applicant wants the public hearing on May 12<sup>th</sup>.

Mr. Gallagher offered a motion to schedule the public hearing for May 12<sup>th</sup>, seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

**AYE:** Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, MR. Braswell, Mr. Knox, Mr. Fox, Mr. Stockton

**NAY:** None

**ABSTAIN:** None

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**PB#2016-1 Hebrank, Ronald  
50 Fifth Street – Block 66 Lots 7 & 7.01  
Public Hearing on New Business**

**Present:** Ron Hebrank  
Richard Sciria, Esq.,

**Conflict:** Mr. Stockton, Mr. Francy, Mr. Colby and Mr. Card all stepped down.

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Mr. Serpico stated that he has reviewed the public notice and finds it to be acceptable and advised the Board that they have jurisdiction. He explained that this case will be contested by Armen McOmber, Esq., for two Objectors. The file contains some engineering work done by Mr. Stockton and the Objector can contest that. He recommends that the matter be carried to the next month meeting. Need to clean the file and substitute the Chairman's work. No further public notice would be required.

Rich Sciria gave a brief history of the application and stated that they will have a Professional Planner and Architect at the hearing.

Mr. Knox questioned the variance as a bulk or use.

The Applicant has new plans and will submit the new revised plans at least 10 days prior to the hearing.

Mr. Hill offered a motion to carry this public hearing to the April 14<sup>th</sup> meeting without the need for further public notice, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Hill, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Fox, Mr. Kutosh,  
Mr. Wells**

**NAY: None**

**ABSTAIN: None**

Mr. Stockton, Mr. Colby, Mr. Francy and Mr. Card returned to the table.

**ROLL CALL:**

**Present: Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell,  
Mr. Knox, Mr. Fox, Mr. Kutosh, Mr. Wells, Mr. Stockton**

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**Master Plan**

Mr. Stockton gave a report on the last Committee Meeting. Mr. Wells was not present at the March 7<sup>th</sup> meeting. They discussed what the next Stakeholder meeting will entail. He mentioned several Stakeholders to invite to the April 11<sup>th</sup> meeting.

Mr. Wells recommended that Tim Hill be at the Stakeholder meeting as the Recreation Person. He then asked if the Board was ready to shut down the Master Plan Survey.

Mr. Stockton advised him that he could.

Mr. Wells wants Councilwoman Broullon to help him gather survey data.

Mr. Stockton stated that they had good discussions at Subcommittee Meeting about the zoning maps and formed based zoning.

Mr. Gallagher questioned the Rosiak property and what motivated the past zoning and wanted to know how it ended up with the zone with pre-existing situation. He continued to discuss zoning and Master Plan with regard to pre-existing conditions.

The Board then briefly discussed formed based zoning.

Mr. Stockton explained the difficulty of trying to simplify the zones.

Mr. Francy spoke of needing all the zones to avoid putting things in noncompliance.

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The Board continued to have discussions about zones and pre-existing and nonconforming issues and about businesses on Bay Ave. He wanted to know how to get the Governing Body to go forward with Redevelopment.

Mr. Serpico explained that it's up to the Governing Body not the Board.

The Board continued to discuss the Master Plan.

Mr. Truscott laid out the goals and policies in the Master Plan and explained that the Board may want to do an action plan at the end of the Master Plan.

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**Review of T & M Cost Proposal for Zone Change Request for Rosiak dated 2/19/16**

Mr. Keady explained the options in his proposal.

Mr. Serpico wants to get direction on how the board wants to proceed. He stated that he can draft a letter to McKenna, Esq. giving him the options with the Boards suggestions.

Mr. Wells wants a hard date in the notice to the requestor.

The Board has discussions on the options.

Mr. Gallagher spoke about the Captains Cove Zoning and that it should be a marina which he explained. He spoke of previous boards back to the 1940 and questioned what they were thinking.

Mr. Stockton questioned the zone of the lot at the end of the marina. He then stated that the tiebacks of the bulkhead encroachment are not a Master Plan issue.

Mr. Gallagher agreed that it's not an issue.

Mr. Braswell stated that its needs to be zoned a marina.

The Board continued discussions about the uses on the marina property.

Mr. Serpico explained that the only way to determine nonconforming status would be the burden of proof which is on the applicant not the board. He stated that he would send a letter to the Governing Body and letter to applicant containing the options.

Mr. Keady will finalize his cost proposal

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**Review of Bylaws**

The Board reviewed the existing Zoning Board Bylaws and stated that they should be adopted by the Planning Board.

Mr. Francy stated that the attendance policy of five meetings a year is loose.

Mr. Fox questioned item 11 that Alternate Members sit in the back of the table and that he takes issue with that.

Mr. Gallagher item 3 voting at the next meeting.

This item will be carried to the April meeting.

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**Approval of Minutes**

Mr. Colby offered a motion to approve the February 4, 2016 Zoning Board Minutes, seconded by Mr. Braswell and approved on the following roll call vote;

**ROLL CALL:**

**AYE: Mr. Colby, Mr. Braswell, Mr. Fox, Mr. Knox**

**NAY: None**

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**ABSTAIN: None**

Mr. Gallagher offered a motion to approve the February 11, 2016 Planning Board Minutes, seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Hill, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Kutosh, Mr. Wells**

**NAY: None**

**ABSTAIN: None**

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**Review of Zoning Ordinance O-16-4**

The Board reviewed Zoning Ordinance O-16-4.

Mr. Serpico briefly explained the ordinance.

The Board has discussion about who this ordinance would apply to.

Mrs. Cummins stated that the Zoning Officer is the one who recommended this ordinance amendment.

The Board continued to discuss the ordinance.

Mr. Braswell offered the following Resolution and moved its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-16-4,  
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-16-4, which Ordinance will amend the Borough Zoning and or Development Ordinances; and

**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 amendments on March 10, 2016; and

**WHEREAS**, the Board received comments from Board Members.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that the proposed amendments are consistent with the Highlands Borough Master Plan; and

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

1. The Board recommends that line 7 commencing with the sentence beginning with "Site plan" be revised as follows:  
"Site Plan approval shall be required for any new building and any addition to an existing building that reduces or requires off street parking (or any additional off street parking), adversely impacts drainage on surrounding properties, requires a variance or

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design waiver and/or is otherwise is inconsistent with the Borough's Land Ordinances, .....". The remainder of the section is in good order; and

**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. Francy and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Kutosh, Mr. Fox, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

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**Review of Zoning Ordinance O-16-5**

The Board reviewed and discussed Ordinance O-16-5.

Mr. Gallagher offered the following Resolution and moved its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-16-5,  
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 0-16-5, which Ordinance will amend the Borough Zoning and or Development Ordinances; and

**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 amendments on March 10, 2016; and

**WHEREAS**, the Board received comments from Board Members.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that the proposed amendments are consistent with the Highlands Borough Master Plan; and

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

1. The Board finds that proposed Ordinance 0-16-5 is in good order and consistent with the provisions of the New Jersey MLUL; and

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**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. Card and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell, Mr. Knox, Mr. Kutosh, Mr. Fox, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

Mr. Francy offered a motion to adjourn the meeting, seconded by Mr. Gallagher and all were in favor. The meeting adjourned at 9:10 P.M.

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Carolyn Cummins, Board Secretary