

**Borough of Highlands
Planning Board
Regular Meeting
May 12, 2016**

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

Mr. Stockton called the meeting to order at 7:37 P.M.

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

Roll Call:

Present: Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell,
Mr. Stockton, Mr. Kutosh,

Late: Ms. Ryan arrived at 7:42 P.M. and Mr. Knox arrived at 7:44 P.M.

Absent: Mayor Nolan, Mr. Wells, Mr. Fox

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

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mr. Hill offered the following Resolution and moved on its adoption:

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1. Litigation:**
- 2. Contract:**
- 3. Real Estate:**
- 4. Personnel Matters:**
- 5. Investigation:**
- 6. Attorney-Client Privilege: COAH Planner**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

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1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED that action may be taken after the executive session.

Seconded by Mr. Kutosh and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell,
Mr. Kutosh, Ms. Ryan, Mr. Stockton

NAYES: None

ABSTAIN: None

Ms. Broullon, Councilwoman requested to sit in Executive Session.

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Mr. Serpico explained that she could not.

Ms.; Broullon then left the room.

Mr. Card objected to Mr. Serpico's legal opinion that Ms. Broullon could not be present during Executive Session.

The Board then entered into Executive Session at 7:45 P.M.

The Board called the Regular Meeting back to order at 8:13 P.M.

ROLL CALL:

Present: Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell,
Mr. Knox, Mr. Stockton, Mr. Kutosh, Ms. Ryan

Absent: Mayor Nolan, Mr. Fox, Mr. Wells

PB#2016-5 Broullon, Carolyn

12 Miller Street

Block 56 Lot 6

Application Review & Schedule Public Hearing Date

Present: Carolyn Broullon
Frederick Kalma, Esq.

The Board reviewed the application documents and the following was stated:

1. The application is a second story deck to extend it by 2 feet.
2. The Applicant should provide more photographs for the public hearing.

Mr. Gallagher offered a motion to schedule this matter for a public hearing on June 9, 2016, seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Braswell, Mr. Knox,
Mr. Kutosh, Ms. Ryan, Mr. Stockton

NAY: None

ABSTAIN: Mr. Hill, Mr. Card

Mr. Keady stated that he is also the Borough Engineer and that he has a conflict with Councilwoman Broullon.

The Board directed Mrs. Cummins to contract Joe May, P.E. to be the Engineer for this application on behalf of the board.

Mr. Keady stated that he would forward the plans to Mr. May.

PB#2016-6 Jackson, S & Ocasio, M.

1 & 3 Matthew Street

Block 109 Lots 8 & 9

Application Review and Schedule Public Hearing

Present: Steve Jackson

The Board reviewed the application and the following was stated:

1. The applicants own both 1 & 3 Matthew Street.
2. The applicants want to expand 1 Matthew Street to be a conforming lot.
3. The want to make two conforming lots.
4. There are no variances therefore no notice is required.

Mr. Gallagher offered a motion to schedule this for a public hearing on June 9th, seconded by Ms. Ryan and approved on the following roll call vote:

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ROLL CALL:

AYE: Mr. Hill, Mr. Colby, Mr. Francy, Mr. Card, Mr. Gallagher, Mr. Braswell,
Mr. Knox, Mr. Kutosh, Ms. Ryan, Mr. Stockton

NAY: None

ABSTAIN: None

**PBS2016-1 Hebrank, Ronald
50 Fifth Street
Block 66 Lots 7 & 7.01
Hearing on New Business**

The Board briefly discussed the request to carry the meeting to a different meeting date.

Mr. Gallagher offered a motion to carry this to the July 14th meeting with no further notice and if not moved forward in July then would dismiss the application. Seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Hill, Mr. Card, Mr. Gallagher, Mr. Knox, Mr. Kutosh, Ms. Ryan

NAY: None

CONFLICT: Mr. Colby, Mr. Francy, Mr. Stockton

**PB#2016-2 Neuwirth, Jason
43 Cornwall Street
Block 48 Lot 4
Hearing on New Business**

Present: Jason Neuwirth

Mr. Serpico stated that he has reviewed the public notice and finds it to be proper therefore the board has jurisdiction to proceed.

The following documents were marked into evidence:

- A-1: Photos
- A-2: Variance Application
- A-3: Survey
- A-4: T & M Letter dated 5/6/2016

Mr. Neuwirth was sworn in and stated the following during his testimony and response to questions from the board:

1. He had a single driveway then he elevated his house with a garage and added another cut out.
2. Dale Leubner, Zoning Officer said yes to the second cutout then after he installed it he said that this requires a variance.
3. This second driveway keeps cars off the street.
4. He provided and described the photos to the board marked A-1.
5. He took a count of houses with two driveways and counted 14.

Mr. Francy wants the board to ignore the photos of other houses because it isn't the same situation. All the cuts were installed prior to Sandy.

Mr. Gallagher disagrees with Mr. Francy.

Mr. Neuwirth continued his testimony as follows:

6. The Zoning Officer approved this then after it was done say "oops".
7. There is 17 feet between the driveways.
8. Parking is not a problem currently.
9. This is better for the neighborhood especially with summer parking.

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10. There is no downside to the neighbors.

11. He has reviewed the engineer's letter.

Mr. Stockton asked if there were any questions for the applicant.

Arnie Fuog questioned how far the neighbors were.

There were no further questions.

Mr. Stockton asked if there were any public comments but there were none.

Mr. Kutosh offered a motion to approve the application, seconded by Mr. Gallagher and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Hill, Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Braswell,
Mr. Knox, Mr. Kutosh, Ms. Ryan, Mr. Stockton

NAY: None

ABSTAIN: Mr. Card

Master Plan

Mr. Stockton said he sent late email to Carolyn Cummins with the new Subcommittee Meeting dates which are June 6th, June 20th, July 11th and August 1st.

Rosiak Zone Change Request

Present: Fred Rosiak

Mr. Serpico stated that now that we have the new Subcommittee Meeting dates the Board needs to give Mr. Rosiak a date.

Mr. Rosiak wanted July 11th.

Mr. Serpico stated that the board should give T & M a Resolution Authorizing T & M to do the work for this zone change request.

Mr. Serpico stated the Master Plan grant was extended through June and we will ask for another extension through September.

Mr. Stockton stated that the Maureen Welch Report that she submitted to the board will keep with the Committee.

Mr. Gallagher offered a motion to authorize T & M to do the review work for the Zone Change, seconded by Mr. Card 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. Kutosh, Mr. Stockton

NAY: None

ABSTAIN: Ms. Ryan

By-Laws

Copies of both the Board By-Laws have been provided to the Board.

Mr. Francy stated that he got it too late and that we should set a date for comments.

The Board will provide comments at next month's meeting.

Approval of Minutes

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Mr. Francy offered the approval of the April 14th minutes, seconded by Mr. Gallagher and all were in favor.

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

The meeting adjourned at 8:54 P.M.

Carolyn Cummins