

**Borough of Highlands**  
**Planning Board (Land Use Board)**  
**Regular Meeting**  
**November 10th, 2016**

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

Mr. Stockton called the meeting to order at 7:30 pm.

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

Mr. Stockton 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 (Land Use Board) and all the 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. Blewett, Mr. Card, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh, Mr. Wells, Ms. Ryan,

Absent: Mr. Nolan, Mr. Fox,

***Motion for adjournment and any other motions:*** None

***Applications scheduled for completeness review:***

2016-13 Freglette, 210 Bay Ave – Use Variance to utilize a new building as a mixed use residential/commercial. The Applicant is proposing to demolish existing house and re-building a new, mixed use, commercial structure with two (2) apartments on a second floor. Each apartment will have two bedrooms. The Board asked about the off-street parking.

The response was that a variance will be required.

The Board had asked for the additional information:

- Elevation certificate,
- Construction, parking, topographic survey,
- Flood proofing on the first floor,
- Explanation of parking situation,
- Revised plan,
- Legal notice should be submitted at least three (3) days prior to the meeting,

Mr. Gallagher offered a motion to place the matter on January 12th agenda, seconded by Mr. Francy.

Roll Call Vote:

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

NAY: None

ABST: Mr. Knox

2016-12 Harborside at Hudon's Ferry Block 101, Lot 27.02. (1) Amended Final Site Plan, (2) Lot Line Adjustment, (3) Minor Subdivision. The Applicant stated that he has three (3) projects:

- Put up a small retaining wall at Block 101, Lot 27.02,

- Propose a minor subdivision on Block 101, Lot 27.02. The subdivision (if approved) will be sold to an adjacent neighbor,
- Lot line adjustment on Block 101, Lot 27.02,

The Board asked for the additional paperwork:

- Provide larger map reflecting the proposed changes,
- Submit a consent form from the owner of Lot 7,
- Are there new variances being created as a result of the subdivision,

Mr. Gallagher made the motion to place the application on December 8<sup>th</sup> agenda, seconded by Mr. Knox.

Roll Call Vote:

AYE: Mr. Blewett, Mr. Card, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Fox,

NAY: None

2016-10 Gunther, 4 Marine Pl – Bulk Variance to construct a front deck. The subject property is located on Marine Place. The lot area is approximately 2,987 sq.ft. The lot contains a one-story bungalow dwelling with porch and concrete pad on in the rear. The Applicant is proposing to construct a deck on the front of the house.

Mr. Gunther did not notify the utility companies at least 10days prior to the meeting (8 days) but the Board's Attorney stated that it is a simple application and he may proceed.

Evidence Submitted:

- A-1; Floor plan and a site plan before and after the lift,
- A-2; Portion of the tax map, survey map,
- A-3; Picture of the house,
- A-4; Another picture of the house,
- A-5; Two (2) photos showing existing house being lifted and under construction,

The Applicant is proposing to construct a deck on the front of the bungalow dwelling. His proposed side yard setback is 1.2 ft, where 3 ft. is required.

Questions from Public: None.

Statements from Board:

The Board stated that this is a pretty straight forward application and had no objections, as long as the Applicant complies with T&M Associate's report, to grant the variance approval.

Mr. Francy made the motion to approve, seconded by Mr. Gallagher.

Roll Call Vote:

AYE: Mr. Blewett, Mr. Card, Mr. Gallagher, Mr. Konx, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh,

NAY: None

**2016-10 Gunther Resolution** of the approval was also memorialized at the November 10<sup>th</sup> meeting. Mr. Gallagher made a motion to approve the resolution, seconded by Mr. Francy.

Roll Call Vote:

AYE: Mr. Blewett, Mr. Card, Mr. Gallagher, Mr. Konx, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh,

NAY: None

2016-11 Ross, 176 Linden Ave – Bulk Variance to install 17'x33' in-ground swimming pool. Martin Miller, Architect and Norma Ross, Owner were sworn in and presented testimony. The Applicant is proposing to install a 17'x33' in-ground swimming pool. She needs a variance because the accessory structure is approximately 41% of the ground floor area where 30% is permitted. She testified that the property is large enough to gain an access to the back yard. In addition, she is proposing to remove some trees to make the lot less "congested".

*Question from the Public:*

Tina S, resident of 164 Navesink Rd Unit 3, was concern with the idea of being an in-ground pool. She is worried that it might be too close to the slope.

The response was that the proposed location of the pool is not near the slope. Installation of the pool will not add any storm water. A drain is going to be installed on the property for that purpose.

Tina S. was concerned that it might change the topography and make a land slide. She had follow up questions:

Q: The patio will be made out of what material?

A: Concrete,

Q: How about the pool, what material will be used for construction?

A: Plastic liner,

The Board pointed out that the pool is not going to be emptied out for the winter months.

Q: Is there any retaining wall between the house and the neighbor?

A: No,

Q: Are there any ponds of water on the property?

A: No, we never had any problems,

Mr. Francy made a motion to approve the application with conditions, seconded by Mr. Knox.

Roll Call Vote:

AYE: Mr. Blewett, Mr. Card, Mr. Konx, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh,

NAY: None

ABST: Mr. Gallagher,

16-14 Small Wind Energy System Ordinance. The Board requested for an adjournment to December 8<sup>th</sup> meeting.

Mr. Card made a motion to carry the 16-14 Small Wind Energy System Ordinance to December 8<sup>th</sup> meeting, seconded by Mr. Gallagher.

Roll Call Vote:

AYE: Mr. Blewett, Mr. Card, Mr. Konx, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh, Mr. Gallagher,

NAY: None

*16-232 Minimum Yard Requirements for Front Decks Ordinance.* The proposed ordinance is allowing the houses that are being lifted to put back the decks in the same location as they were. That change in a zoning ordinance will avoid the homeowners from coming in front of the Board for a variance.

The Board had the discussion and made the following recommendation: the proposed change will benefit the residents of Gravelly Point Rd, but not the Huny Suckle. It does not fit with the by-laws and Master Plan. This should be removed from the proposed change.

Mr. Card made a motion to approve Ordinance with the proposed change, seconded by Mr. Francy.

Roll Call Vote:

AYE: Mr. Card, Mr. Konx, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Kutosh, Mr. Gallagher,

NAY: None

ABST: Mr. Blewett, Mr. Braswell,

Captains Cove Marina,

The Applicant stated that Captains Cove is one of the first marinas established in the Borough of Highlands. Mr. Rosiack stated that after the storm he wanted to rebuild the café but without a use variance that was not possible. Any and all business future use of his property would require a use variance, because the property is located in a residential zone. In addition, he was approached by two (2) potential buyers, but when they learned that it is in a residential zone, and it would trigger a use variance to be used as a marina, they both walked away. The property was more than 50% destroyed as a result of Superstorm Sandy and thus it needs a use variance to be repaired. The current zone of the property is single family. The permitted uses are: single family houses, public right-away, and bungalow colony. His current use is a marina. Everybody else is properly zone, but his property. Mr. Rosiack would like to rebuild the café and a bathroom without going in for a use variance.

*Comments/Statements from the Board.*

The current use of the property is storage for ships. It has not been maintained and does not look like the marina, thus, it cannot be classified as a marina. It is a big concern about people parking their boards and making the repairs on the lot. That will not be ecstatically pleasing.

The Applicant responded that it has been a marina for years, and it has been taxed as a marina. It is not marketable being the only property in a Residential Zone.

*Questions from the Public;*

Jennifer Olsen, resident of 61 Barberry Ave, wanted to know if the property be better taken care of. The lack of up keep is concerning.

The response was yes. He will do a better job with the maintenance.

Mark Costa had a question on the purpose of changing the zone?

Mr. Rosiack responded that it has been used as a marina for years and it should reflect the same.

Barbara Yanucci asked who will put any restrictions and regulations on the future developments. And can an off-street parking be required as a part of approval.

The response was the Board. Once a proposal is made, it will be closely looked at and if approved, conditions will be stipulated.

Mr. Wells stated that he will not be present at November 14<sup>th</sup> meeting.

***Adjournment:***

Ms. Ryan offered the motion for an adjournment, seconded by Mr. Gallagher. All were in favor.

---

Kathy Burgess, Acting Board Secretary