

Borough of Highlands  
Planning Board (Land Use Board)  
Regular Meeting  
January 10th, 2018

**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. O'Neil, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox (arrived at 7:33 pm), Mr. Colby, Mr. Gallagher, Mr. Stockton, Mr. Lee, Mr. Montecalvo, Mr. M. O'Neil,

Absent: None

**Open for Public Comments:** None

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

**Reorganization:**

**Reorganization:**

Mr. Gallagher made a motion to appoint **Chairman – Andrew Stockton** , seconded by Mr. Nolan.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

NAY: None

Mr. O'Neil made a motion to appoint a **Vice-Chairman – Frank Nolan** , seconded by Mr. Gallagher.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Stockton, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

NAY: None

Mr. Gallagher made a motion to appoint **Boards Attorney– Jack Serpico** , seconded by Mr. Colby.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Stockton, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

NAY: None

Mr. Gallagher made a motion to appoint a **Secretary – Kathy Burgess** , seconded by Mr. Nolan.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Stockton, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

NAY: None

Mr. Gallagher made a motion to temporary appoint **Boards Engineer – T&M Associates**, seconded by Mr. Nolan.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Stockton, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

Mr. Gallagher made a motion move the vote on appointment of **Boards Engineer – T&M Associates**, to January 31<sup>st</sup> meeting, seconded by Mr. Nolan.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

NAY: Mr. Francy, Mr. Stockton,

Mr. Nolan made a motion to keep the meetings on second Wednesday of each month, seconded by Mr. Knox.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Stockton, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

Mr. Nolan made a motion to designate **Official Newspapers: Asbury Park Press, Star Ledger, Two River Times**, seconded by Mr. Nolan.

**Roll Call:**

AYE: Mr. O'Neal, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Stockton, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

Mr. Serpico will look into electronic notices.

**Applications scheduled for competes review: None**

**New Business:**

Mr. Burton, Mr. Braswell, Mr. Colby, Mr. Lee stepped down at 8:01 pm.

**2017-13 SmokeNmirrors DBA WindAnSea, 56 Shrewsbury Ave** – Minor Site Plan Approval to change existing stairway to seating area. The applicant is making an amendment to previously approved site plan, and is proposing to take out the stairs cases and enclose the area with new windows to create additional sitting area.

The property is located in the WC-1 Zone with frontage on Shrewsbury Ave and Cornwell St. The applicant is proposing converting the existing stairway area into seating; however, specified in the application they are not proposing additional seating capacity. Bars/taverns and Restaurants are permitted uses in the WC-1 Zone.

Jack Manousus, Owner of SmikeNMirrors.

Jason Vico - representative from an Architect.

The applicant is trying to make more space for the seating area and promote the beautiful view at the same time. He likes the open floor plan that his Architect designed.

Questions from the Board:

Q: Are you closing the first floor as well?

A: Yes, I am. It will be used for storage purpose only.

Q: Will the change comply with FEMA regulations?

A: Yes, breakaway walls have been constructed.

Q: Did you receive T&M Associates review letter?

A: Yes, we will comply with all.

Q: What is the seating situation for the restaurant?

A: There are 371 seats in the restaurant.

Q: What is the parking situation?

A: There are 101 off street parking currently existing: 31 on site and 90 off site. There is sufficient off street parking: 94 is required, 101 is proposed.

Q: Can you describe seating arrangements including patio seating, roof deck seating, bar seating, and the restaurant?

A: There are 177 seats on patio, 150 on a main floor, and 44 on roof deck.

Q: Is there a TIKI Bar?

A: Yes, but it is seasonal.

Q: Do you know what the original approvals were for?

A: Not sure, it was purchased as described.

The seating numbers have significantly increased over the years; as a result, the application should be carry to February 14th meeting to have the initial information brought back along with:

- Plans for prior approvals,
- Need a letter from an Architect,
- Any plans from construction department,
- FEMA compliance,
- Updated set of plans,
- New letter from T&M Associates,
- Prior approvals from 2001, 2005 and 2015,
- Stamped plan,
- Flood Elevations,
- All permits,
- New plans for seating area,
- Revised plans,

Mr. Knox offered a motion to adjourn the application to February 14<sup>th</sup> without a further notice, seconded by Mr. Nolan.

**Roll Call Vote:**

AYE: Mr. O'Neil, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Gallagher, Mr. Stockton, Mr. Lee, Mr. Montecalvo,

ABST: None

The Board Members have gone back on a dais at 8:57 pm.

Roll Call:

Mr. O'Neil, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo, Mr. Matthew O'Neil,

Mr. Stockton stepped down and has left the meeting at 8:58 pm.

**2017-14 Catcherman LLC, 7 Seadrift Ave** – Bulk Variance to construct a new single family dwelling.

The subject property is located in the R-2.01 zone with frontage on Seadrift Ave. The Applicant is proposing to construct a new single-family residence, which is permitted use in this zone.

Robert and Cynthia Davis were sworn in at 9:04 pm. The Davis'es own 5 Seadrift Ave which it is an undersized lot, and proposing to build a single family dwelling. Mr. and Mrs. Davis have owned the property for about a year, and are proposing to construct three bedrooms, two bathroom house. In addition to 5 Seadrift Ave they also own 7 Seadrift Ave. Under Doctrine of Merger, both lots would merge (if they are undersized), but since one is in Mr.& Mrs. Davis'es name and the other under LLC, it does not apply.

A-1: Picture of the old house before it was demolished,

The Applicant is proposing to construct the same exact house as at 7 Seadrift Ave, proposing four off street parking where only two is required.

A-2: Three page letters sent to adjacent property owners whether or not they want to buy/sell their property.

A-3: Three page, same letter sent to Mr.& Mrs. Hamilton,

A-4: Bakers Marina on the Bay,

A-5: Same owner different address,

A-6: Same letter different address,

No response was received about any interested party wanted to buy/sell their property.

A-7: Email from David Parker dated December 27, 2017,

*Questions from the Public:*

Ann Hamilton wants copy of the application.

Mr. Baker was sworn in at 9:23 pm. He wanted to know where the letters were mailed to. What address? He also wanted to know how will be house is going to be protected from the fire?

The response was that it will be three feet from the property line on one side, and the other side that is less than three feet, will have fire rated walls and windows (similar to the house constructed on 7 Seadrift Ave).

One of the Board Members was struggling with the two feet side yard set-back.

*Questions from the Board:*

Q: What is the set back on 7 Seadrift Ave?

A: 1.9 feet.

Q: What is your BFE?

A: It is V11 feet.

Q: How do you measure the height?

A: The height is measured from the first floor elevation. The house will be 33.5 feet in height.

Q: What is the time frame in which the Board must act on the application?

A: Mr. Serpico responded 120 days from the time it was deemed complete.

The Board stated that the two feet issue has to resolve before a decision can be made on the application.

Mr. Knox offered a motion to adjourn the application to January 31st without a further notice, seconded by Mr. Braswell.

**Roll Call Vote:**

AYE: Mr. O'Neil, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee,

ABST: None

Mr. O'Neil and Mr. Matthew O'Neil have left the meeting at 10:02 pm.

Roll Call:

Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Montecalvo,

**66 Highway 36 (Block 40, Lot 3), Rosa - Subdivision extension request.**

Mr. Gallagher made a motion to grant 6 months extension (until August 2018), seconded by Mr. Nolan.

**Roll Call Vote:**

AYE: Mr. O'Neil, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee,

ABST: None

**Ordinance O-18-01 – An Ordinance Amending Chapter 21 of the Borough Code Concerning Revisions to the CBD Zone and Deletion of the B-1 and B-2 Overlay Districts.**

The Board stated that the drafted Ordinance should be send to T&M and the Planner for review. In addition, Schedule 1 is not included. Moreover, the Ordinance is not consistent with the Master Plan because of: setbacks in residential area, presentation of the Ordinance is not clear; more time is needed to make final decision. As a result, the Board Members will email the Chair with their concerns and questions, so a letter can be send to Mayor and Council.

Mr. Gallagher made a motion to carry the Ord#O-18-01 to February 14<sup>th</sup> meeting, seconded by Mr. Francy.

**Roll Call Vote:**

AYE: Mr. O'Neil, Mr. Burton, Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee,

ABST: None

(13) Action of Any Other Business:

- Parking Traffic Study – Sea-Streak

The Board Members had a brief discussion on the parking issue on Shore Dr. and Locust St. The site plan has never been amended and it's creating parking problems with the residents and those who use the ferry every day. The Board wanted to know if the applicant exceeded the original approvals and should come back with a new traffic study. The Zoning Officer should be informed about the changes being proposed, because of the possibility of exceeding the scope of prior approvals; they should be sent back to the Board with a new traffic study.

(14) Approval of Minutes:

Mr. Francy made a motion to approve the minutes, seconded by Mr. Nolan.

**Roll Call Vote:**

AYE: Mr. Braswell, Mr. Nolan, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mr. Lee,

ABST: Mr. Burton, Mr. Colby, Mr. Montecalvo,

***Adjournment:***

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

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Kathy Burgess, Board Secretary