

Borough of Highlands
Planning Board (Land Use Board)
Regular Meeting
January 12th, 2017

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'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee

Absent: None

Reorganization:

Mr. Gallagher made a motion to appoint a ***Temporary Chair – Andrew Stockton*** , seconded by Mr. O'Neal.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee

NAY: None

Mr. Gallagher made a motion to appoint a ***Temporary Secretary – Kathy Burgess*** , seconded by Mr. O'Neal.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Stockton, Mr. Nolan, Ms. Ryan, Mr. Lee

NAY: None

Mr. Gallagher made a motion to appoint a ***Chair – Andrew Stockton*** , seconded by Mr. Knox.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee

NAY: None

Mr. Gallagher made a motion to appoint a ***Vice-Chair – Ken Braswell*** , seconded by Ms. Ryan.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee

NAY: None

The Board went into executive session at 7:39 pm to discuss staffing/personnel issue.

The Board ended an executive session at 7:55 pm.

Attendance roll call:

Present: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee

Mr. Gallagher made motion to appoint **Mr. Serpico** as the Board Attorney till next meeting or for 30 days until contract is reviewed, seconded by Mr. Francy

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee, Mr. Stockton

NAY: None

Mr. Gallagher made motion to appoint **T&M Associates** as the Board Engineer till next meeting or for 30 days until contract is reviewed, seconded by Ms. Ryan.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee, Mr. Stockton

NAY: None

Mr. Braswell made motion to appoint **Mrs. Kathy Burgess** as the Board Secretary till June 2017, seconded by Mr. Gallagher

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee, Mr. Stockton

NAY: None

Mr. Gallagher made motion to appoint **Conflict Attorney- Greg Baxter**, seconded by Ms. Knox.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Ms. Ryan, Mr. Lee, Mr. Stockton

NAY: None

Mr. Gallagher made motion to appoint **Conflict Engineer- Joe May**, seconded by Mr. Knox.

Roll Call:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Ms. Ryan, Mr. Lee, Mr. Stockton

NAY: Mr. Nolan

Mr. Gallagher made a motion to change the meeting days from second Thursday of each month to second Wednesday of each month, seconded by Mr. Nolan.

Roll Call:

AYE: Mr. O’Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Ms. Ryan, Mr. Lee, Mr. Stockton, Mr. Nolan

NAY: None

Mr. Gallagher made motion to select the Asbury Park Press as the Official Newspaper along with Star Ledger and Two River Times, seconded by Mr. Nolan,

Roll Call:

AYE: Mr. O’Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Braswell, Mr. Fox, Ms. Ryan, Mr. Lee, Mr. Stockton

NAY: Mr. Francy vote No to Asbury Park Press as the Official Newspaper

Motion for adjournment and any other motions: None

Applications scheduled for completeness review:

Mr. Braswell has recused himself from voting on the application.

2017-01 347 Pavonia Ave, INC 20 Gravelly Point Road – Height Variance for a stairway/access to roof deck. The Applicant did not attend the completeness review meeting.

Mr. Gallagher made a motion to deem the application incomplete, seconded by Mr. Nolan.

Roll Call:

Mr. O’Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Fox, Mr. Nolan,

Mr. Stockton has stepped off a dais for possible conflict.

2017-02 Anstatt, 43 Washington Ave – Bulk Variance for new shed. The Applicant stated that he had installed a 14x18 shed used for storage only. He has not realized that a permit was needed since he was replacing an old (10x12) shed. In addition, he did not realize that the building coverage has exceeded the 33% allowed by the zoning (the shed is 37%) and created a side yard setback variance.

- ✓ Building coverage exceeds 33%, where 37% is being proposed,
- ✓ Ground coverage of the shed exceeds 30%,
- ✓ The shed is 2.9 ft. from property line, were 3 ft. is permitted,
- ✓ Flood vents need to be installed,
- ✓ Fence to be erected within the property line,
- ✓ Provide copy of an updated survey,
- ✓ Letter from the Zoning Officer that the fence was removed,

Mr. Knox made a motion to deem the application complete and place it on February 09th agenda, seconded by Mrs. Ryan.

Roll Call:

Mr. O’Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Fox, Mr. Nolan, Mrs. Ryan, Mr. Lee

Mr. Stockton went back on a dais at 08:27 pm.

(Carried from January 12th meeting) 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, (approved at January 12th meeting)
- 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, (Approved at January 12th meeting)

Evidence:

A-4, Letter to Luis Longo dated December 16th, 2016,

A-5, Letter to Luis Longo dated January 09, 2017,

A-6, Letter to John Delenie dated December 20, 2016,

The Applicant has stated that both adjacent neighbors are interested in purchasing the piece of parcel once is subdivided. The new lot will be 25x100 and will be sold as a whole. Since both are interested in the land, it will be sold to one of the owners. The lot will not be split in a half and sold off in pieces. Moreover, the applicant has no intention to build a house, he just wants to subdivide and sell off the newly created parcel of land.

Questions from the Public:

Arnie from 50 Gravelly Point Rd, wanted to know if everybody will have an equal chance to purchase the land.

The response was yes, absolutely.

Mr. Francy made the motion to approve the subdivision, seconded by Mrs. Ryan.

Roll call:

AYE: Mr. Blewett, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mrs. Ryan,

NAY: Mr. Gallagher,

ABST: Mr. O'Neal, Mr. Fox, Mr. Lee

2016-13 Freglette, 210 Bay Ave – Variance for mixed use commercial/residential use of the building. The Applicant did not provide sufficient legal notice; therefore, the application was moved to February 09th meeting with a new legal notice required.

2016-14 Shama Kajiji, 15 Seadrift Ave – Bulk Varaince to rebuild a new single family dwelling. The subject property is on Sea Drift Ave it has 2.800 square feet lot, and is located in the R-2.01 Zone. The Applicant previously was granted approval from the Zoning Board in 2014 to elevate, renovate, and construct addition to the existing dwelling. During the construction it was discovered that the existing structure was in poor condition; therefore, the applicant proceeded to demolish the existing structure to construct a new dwelling. The Applicant is now seeking approvals for construction of a new dwelling.

Evidence:

A-1, Original resolution of compliance dated April 03, 2017,

A-2, Plot plan dated October 25, 2016,

A-3, Schematic elevation of the proposed dwelling dated October 17, 2016,

A-4, Proposed Dwelling Heights Plans dated 2014 revised February 06, 2016,

A-5, Email from Zoning Officer dated May 25, 2016,
A-6, Drawings dated February 12, 2016,
A-7, 6 photos of the subject property, pre-Sandy,
A-8, Arial photo taken of the block from Google earth,
A-9, Foundation location survey dated June 29, 2016,

Ms. Kajiji was sworn in at 8:45 pm and presented her testimony. She stated that the house was in a process of being elevated with addition on a second floor. During construction it was determined that the structure was in such a bad state of disrepair that it had to be removed/taken down. After the house was removed, a stop work was issued from the construction department. Ms. Kajiji underlined that the contractor removed her house without her permission. The time frame:

- ✓ House was being elevated in June 2016,
- ✓ August 20th 2016 it was levered onto new foundation,
- ✓ August 25 2016, the house was removed without the owner's consent. Only the new foundation was left on the lot.

The existing house was 1,518 in square foot habitable space. The approved size was 2,830 square foot and the new proposed is 2,712 square feet. As a result the new house now will have smaller square footage that what was approved in 2014.

Questions from the Board:

Q: What flood zone is the house in?

A: V-Zone, elevation 12.

The response was that a solid foundation is not permitted in a V-Zone.

Q: Can it be built on a complied foundation?

A: No, not without a variance.

Q: What is currently on the lot?

A: Only the new foundation.

Q: When was the house demo?

A: Sometimes in August of 2016.

Q: Can you walk us through the time frames that lead to demolition?

A: The lot had original house, deck, porch, and sat vacant without heat.

- ✓ February 2016 the structure was elevated,
- ✓ July 2016 it was lowered onto new foundation,
- ✓ Then a phot of the shell of the house was send to the owner,
- ✓ Monies were mailed for the new frame work,
- ✓ On August 25th she received email that a stop work order was issued,
- ✓ She then received a photo from the Construction Official with all 4 walls gone,

Q: Is the retaining wall going to be removed?

A: No, She would like to save it.

Questions from the Public:

D'Arrigo Claudette, resident of 12 Seadrift Ave, was sworn in at 9:12 pm. She wanted to know the height of the new proposed house and whether the Applicant received a letter form the Flood Plain Officer for the compliance with the solid foundation. She also pointed out the new flood maps will not be approved for a while to make the solid foundation in compliance.

The response was no, but she (Applicant) is going to hire an engineer that would certify that the foundation is fully in compliance with UCC and floor regulations.

Mrs. D'Arrigo, asked if anything was done to stop the contractor from taking the house down.

The response was that the owner does not live nearby; she was notified by the town that the house was removed.

Mrs. D'Arrigo pointed out that the application should be adjourn to next meeting, so the Flood Plain Manager/Zoning Officer can attend the meeting as well.

The Board Chair stated that his presence is not required. The testimony is being presented and the decision be made at the meeting once all the evidence is submitted.

Mr. Oliver, resident of 14 Seadrift Ave, asked if the contractor emailed any pictures to her after the house was taken down. Was there any new architectural drawings submitted to construction office?

The response was no. He did not. In order to proceed with the worn, new drawings will be submitted to the Construction Office.

The Public wanted to know if she would have to come back to the Board with new architectural drawings.

The response was no. The Board does not get involved with architectural drawings.

Another question from Mr. Oliver was if there is a way to secure the property in a meantime.

Ms. Kajiji responded, absolutely.

Statements from the Public:

Hollemeak Philip, 17 Seadrift Ave, stated that the house is much larger than most of the properties in that neighborhood. In addition, the new house is being constructed only 9 inches from the property line. It should be moved plus no solid foundation can be constructed in a V-Zone.

Mr. Gallagher made a motion to carry the application to February 09th meeting without the need of further notice, seconded by Mr. Knox.

Roll Call Vote:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Fox

NAY: None

Mr. Francy made a motion to add a bullet point on the agenda to allow for Public questions, seconded by Mr. Stockton.

Roll Call Vote:

AYE: Mr. O'Neal, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Fox, Mr. Nolan, Mrs. Ryan, Mr. Lee

NAY: None

Mr. Gallagher made motion to approve the minutes of December 27, seconded by Mr. Nolan.

Roll Call Vote:

AYE: Mr. Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Nolan, NAY: None

ABST: O'Neal, Mr. Braswell, Mr. Fox, Mrs. Ryan, Mr. Lee

The Board asked the Attorney to draft a letter to Mayor and Council requesting the following:

- ✓ Establishing a budget for the Redevelopment,
- ✓ Appointing a Planner,
- ✓ Ask about any grant available for the Redevelopment,
- ✓ Ask the Council for the extension.

(9) Approval of the Resolutions: All were approved on December 27th meeting

Adjournment:

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

Kathy Burgess, Acting Board Secretary