

**Borough of Highlands**  
**Planning Board (Land Use Board)**  
**Regular Meeting**  
**July 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'Neil, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Nolan, Ms. Ryan, Mr. Lee,

Absent: Mr. Card, Mr. Braswell, Mr. Fox,

***Open for Public Comments:***

One of the residents has asked if the meeting can be held on any other days than Wednesdays. The response was no. Meetings are set at the beginning of the year and require legal notice.

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

***Applications scheduled for competes review:***

2017-07 Ruby, 226 Bay Ave – Bulk Variance to build a covered porch on the front of the house. The Applicant is proposing to build a covered porch on the front of the house for aesthetic reasons. He has construction and zoning approvals for a new single family structure, but the porch is exceeding his lot coverage and Variance is required. He is meeting all the other set-backs. The Board has requested the following:

- ✓ The Zone District,
- ✓ Taxes are up to day,
- ✓ Amend the plans and re-submit them with the changes,
- ✓ Architects drawings also need to be clarified,

Mr. Gallagher made a motion to deem the application complete and schedule it for August 09th agenda, seconded by Mr. Nolan.

***Roll Call:***

Mr. O'Neil, Mr. Gallagher, Mr. Fracy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

***ABST:*** Mr. Knox, Mr. Colby.

2017-08 Ruby, 61 Fourth St. – Bulk Variance to build a covered porch on the front of the house. This application is very similar to the one proposed at 226 Bay Ave. The Applicant is proposing to build a covered porch on the front of the house for aesthetic reasons. The existing house is being demolished and new structure rebuild with enclosed front porch. The Board has requested the following:

- ✓ The Zone District,
- ✓ Blanks filled in,
- ✓ Taxes and sewer paid up to day,
- ✓ Escrows fees posted,

Mr. Gallagher made a motion to deem the application complete and schedule it for August 09th agenda, seconded by Mr. Nolan.

Roll Call:

Mr. O'Neil, Mr. Gallagher, Mr. Knox, Mr. Fracy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

ABST: Mr. Colby.

Mr. Stockton stepped down at 7:50 pm.

2017-09 Ken Ruby Jr. Enterprises INC, 34 North Street. –Minor Subdivision. The applicant is proposing to subdivide into two lots to construct single family dwelling on each. The Board stated that a Variance is needed for a front yard set-back and lot area. There was no recorded easement on the property. The Board has requested the following:

- ✓ Variance is needed for the front yard set-back, and lot coverage,
- ✓ Submit full size plans,
- ✓ Provide pictures of the similar houses in the neighborhood,
- ✓ Hire an attorney and planner,

Mr. Nolan made a motion to deem the application complete and schedule it for August 09th agenda, seconded by Mr. Knox.

Roll Call:

Mr. O'Neil, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Fracy, Ms. Ryan, Mr. Nolan, Mr. Lee.

*Mr. O'Neil, Mr. Knox, Mr. Colby have stepped down at 7:58 pm.*

*Mr. Stockton went back on a dais at 7:59 pm.*

***New Business:***

2016-13 Freglette, 210 Bay Ave – Variance for mixed use commercial/residential use of the building. The application was carried from June 12<sup>th</sup> meeting. The Applicant has submitted revised plans that feature a new residential structure with off street parking. No commercial use is being proposed.

The newly revised plans were not submitted at least 10 days prior to the meeting; therefore, the applicant has two choices:

1. Carry the application to another date with a new notice,
2. Begin the testimony and then come back at another date,

The Board's Attorney made a strong suggestion that the application should be carried to a new meeting, with a new notice, and has the applicant provide the following:

- Off street parking,
- Submit topographic and elevation plans,
- Trash collection,
- Drainage plan,
- Parking plan (if once cannot be provided show the hardship),
- Is the tree going to be removed,

- Is the width of the structure is going to be reduced,

The Board took a 7 minutes recess break at 8:34 pm, back on record at 8:41 pm.

**Roll call after the brake:**

Mr. Gallagher, Mr. Francy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

The applicant is proposing to come back with a new, residential application. Amended application, new notice, and provide revised plans at least 10 days prior to the meeting.

Mr. Gallagher made a motion to place the application on August 09th agenda, seconded by Mr. Nolan.

**Roll Call:**

Mr. Gallagher, Mr. Francy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

Mr. O'Neil and Mr. Knox went on the dais at 8:45 pm.

2017-04 Fers, 0 Cedar St – Bulk Variance to construct a new single family dwelling with a driveway. The Applicant is proposing to construct a single family house with a driveway. The lot is located next to Honey Circle Lodge. The property is irregularly shaped and as a result, the house is going to be constructed on an angle in order to fit an off street parking in.

**Evidence:**

A-1; Variance application (2 pgs),

A-2: Salvatore Lafaita survey dated June 16, 2017,

A-3: Full size plans,

A-4: Zoning development application denial letter dated 04/27/17,

B-1: Engineering review letter from T&M dated July 05, 2017,

Daniel Ferns was sworn in at 8:55 pm and presented his testimony. Mr. Ferns is a principle of DJF Construction LLC. He is proposing to construct a new single family dwelling on 0 Cedar St. The lot is parallel and because of that, he is losing 13 feet of frontage. The current conditions provide no off-street parking, but the applicant is proposing two. The house will be three level, three bedrooms, with storage and garage on a first floor, and two off street parking. He had approached neighbors on each side to acquire more land to make the property confirming with no success.

Questions from the Board:

Q: Is there a house on the property?

A: No, I have purchased it as a vacant lot.

Q: Is it in a flood zone?

A: Yes, it is.

Q: What is the ground elevation?

A: 6 feet right now, but the first finished floor will be at 14 feet.

Q: Apply for a permit from NJDEP.

A: Yes, I will.

Q: Where is the parking going to be located?

A: There is one under the house and one in a driveway.

Q: Who does the fence belong to?

A: The neighbor on the back.

Q: Variances sought:

- Front yard setback 20-12 proposed,

- Rare yard setback 20-9.9 proposed,
- Side yard setback 6.8-4.425 proposed,
- Building lot coverage 33%-38.4%,
- The slope of the property cannot make the building any smaller,
- Need to submit proposed grade plan information and drainage plan,

Q: Do you have any idea if there was a house of that lot?

A: No.

Q: How high will the house be?

A: Three stories.

There were no questions from the Public.

Statements from the Public.

Robert Kneener, 27 Cedar St, stated that the lot is very small and no house should be built on it.

The Board's response was that they must let the applicant build a house, otherwise, it would have been a reversed condemnation. He will be allowed to construct a small house.

Statements from the Board:

The Board stated that it is a good project. Systematic to the area and the applicant is creating a solution that would benefit the neighbors by adding an off street parking.

Mr. Francy made a motion to approve the application with condition, seconded by Mr. Nolan.

**Roll Call:**

Mr. O'Neil, Mr. Gallagher, Mr. Knox, Mr. Francy, Mr. Stockton, Mr. Nolan, Ms. Ryan, Mr. Lee,

2017-05 Rosa, 66 Highway 36 – Minor Subdivision.

Mr. Stockton stepped off a dais at 9:22 pm. Mr. Gallagher was appointed as an acting Chair.

Mr. Colby went back on a dais at 9:22pm

The applicant's attorney stated that he is proposing to subdivide the existing lot into two (2) confirming lots. Lot one will be 10,454 sq.ft and lot two 10,582 sq.ft. in size. No variance is required and it is a minor subdivision.

**Evidence:**

A-1; Subdivision application,

A-2: Zoning permit application,

A-3: Check list for minor subdivision,

A-4: Narrative of intend,

A-5: Minor subdivision plans,

B-1: T&M Associates review letter,

Daniel Rosa was sworn in at 9:26 pm and presented his testimony. He stated that the property was acquired about six months ago. The lot is oversized and contains no structures. The former house was beyond the repairs, thus taken down by the prior owner. He is proposing to subdivide the lot into two and construct two single family dwellings on each. There an existing sewer easement that will not be impacted by the new construction.

Questions from the Board:

Q: Have you tested the stability of the slope?  
A: No, the slope is on the back of the property.  
Q: Does the property have any curb cuts and apron?  
A: Yes, they are still existing from the prior structure.  
Q: Number of off street parking spaces proposed?  
A: Two parking spaces.  
Q: Soil fence will be put up during the construction?  
A: Yes, on the back of the property.  
Q: Any water going to impact the top of the slope?  
A: No, all the water run offs will be directed to Hwy 36.

Questions from the Public:

Gail Mayrod, 72 Rt. 36, had a questions about the drainage. If a new house is being build and her house is lower, where is the water going to drain to?

The response was towards the Highway 36. The applicant will submit grading details and storm water management plan.

Mr. Nolan made a motion to approve the application with condition, seconded by Mr. Francy.

**Roll Call:**

Mr. O'Neil, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Nolan, Ms. Ryan, Mr. Lee,

The Board took 10 minutes recess brake at 9:47 pm, back on record at 9:57 pm.

**Roll call after the brake:**

Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

Mr. Stockton goes back on a dais at 9:46 pm.

Mr. O'Neil steps off a dais at 9:47 pm.

2017-06 Navesink Avenue Properties LLC, 187 Navesink Ave – Preliminary and Final Site Plan, Use "d" Variance, and Bulk Variance to demolish existing structure and construct one building, containing ten (10) apartments. The applicant stated that the existing lot is about 11,645 sq.ft. and contains three (3) separate structures with the total of four (4) units. He is proposing to demolish the existing houses and rebuild one (1) building containing of ten (10) apartments. Therefore, he is seeking Preliminary and Final Site Plan, Use "d" Variance, and bulk Variance. Mr. Kennedy (applicant's attorney) is proposing to split the application and the testimony into two parts:

1. Use Variance and Floor Area Ratio Approval,
2. Site Plan Approval,

Evidence:

A-1; Variance application,  
A-2: Site plan,  
A-3: Zoning denial letter,  
A-4: Narrative of intend,  
A-5: Copy of a resolution,  
A-6:  
A-7: Disclosure of ownership,  
A-8:  
A-9: Survey,

- A-10: Architectural plans,
- A-11: Plans from Cathy Franco, Architect,
- A-12: Photo board containing 7 pictures and copy of the survey (a-f),
- B-1: T&M Associates review letter,

Richard Mullarki was sworn in and presented his testimony. Mr. Mullarki stated that he is the principle of Navesink Properties LLC and Valley Management Properties LLC. He has purchased the subject property in November of 2014 and an investment property. The main house contains three bedrooms and it is a two story, single family unit. The front house consists of two bedrooms, two bathrooms that needs some work. Third structure, rear, two units structure, consists of one bedroom, one bathroom in each. Both are currently occupied by tenants. There is a total of four dwelling units on the property: the main house, the cottage, and two additional units in a rear. There is currently no on-site parking. 10 spaces are required but none are existing. The applicant is proposing to demolish the existing structures and build one with 10 units. Seven, two bedroom units, and three, one bedroom units. There will be all rental units for professionals going to the City.

Questions from the Board:

Q: How many tenants do you have?

A: Currently there are three units occupies, one is vacant.

Q: Lot 17, how many units there are?

A: There are total of 14 units. All are being occupied and each has one off-street parking.

Q: How many dwelling units exist on the subject property?

A: Four units.

Questions from the Public:

Barbara White, 171 Higland Ave, wanted to know how many parking spaces are required for the 10 units that are being proposed.

The response was that the applicant is in front of the Board for Use "d" Variance only, he will be coming back with professionals for a site plan in a later date.

Q: From resident at 191 Hwy 36. Where will be the garbage facilities located?

A: That is a site plan question that will be addressed at later date.

Q: Why is the Board only hearing half of the application?

A: The applicant has a right to present it this way.

Q: What is being heard?

A: Use Variance.

Q: If the Board votes Yes, can they build 10 units tomorrow?

A: No, the applicant has to come back for the second half, site plan approval.

Q: Resident at 168 Highland Ave wanted to know the safety of the vehicles that are being parked on the street.

A: That is a testimony that is going to be heard in the second half of the application.

Q: Resident at 85 Valley Ave had a question about where the off-street parking is going to be proposed. Also can the lot be made bigger?

A: The property was purchased this way. The size of the lot cannot be changes. The new apartments will have 20 off street parking.

Q: About the density?

A: A planner will answer those questions at a later date.

Q: How is this project good for the town?

A: New building, new construction, better retables.

Q: Does it have to be so dense?

A: Yes, I have looked at the options and that was the best.

Q: Resident at 160 Highland Ave wanted to know if the Board grants Variances to build, does this open gates for the Catholic property to be built on as well?

A: No, each application stands on its own merits.

Q: Resident at 229 Navesink Ave wanted to know the zone the property is located in.

A: It is located in Multi Family Zone, MF Zone.

Q: How often do your tenants change?

A: I have good tenants. Long term residents.

Q: When did the zoning changed?

A: It did not. The MF Zone have been existing on the site for a very long time.

Q: Are there any height restrictions?

A: Yes, there are within the zone requirements.

Q: Resident at 229 Navesink Ave wanted to know how the applicant is proposing to construct 10 units without the clarification for the site.

A: That testimony will be provided at later date. I am only here for the Use Variance.

Closed to the public at 11:06 pm.

Ms. Ryan made a motion to carry the application to September 13<sup>th</sup> meeting with no need for the further notice, seconded by Mr. Nolan.

**Roll Call:**

Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Nolan, Ms. Ryan, Mr. Lee,

**Approval of the Resolutions:**

2017-03 Ed & Lori Paher, 30 Miller St – Bulk Variance to construct new single family dwelling.

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

**Roll Call:**

Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

ABST: Mr. Gallagher.

2017-02 Anstatt, 43 Washington Ave – Denial of the Bulk Variance for shed.

Mr. Nolan made a motion of approve the resolution of denial, seconded by Mr. Francy.

**Roll Call:**

Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Colby, Ms. Ryan, Mr. Nolan, Mr. Lee.

ABST: Mr. Stockton,

Steve Jackson/Manuel Ocasio- Extension of a timeframe within which to perfect the Minor Subdivision.

Ms. Ryan made a motion of approve the resolution, seconded by Mr. Nolan.

**Roll Call:**

Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Ms. Ryan, Mr. Nolan, Mr. Lee.

Unfinished or Adjourned Hearings:

- Discussion on RFPs notice.

The Board stated that three RFPs proposals were submitted. They were from the following firms:

- ✓ Phillips Preiss Gryiel Associates,
- ✓ Heyer, Gruel & Associates,
- ✓ T&M Associates,

The Board is proposing to meet in an executive session at 7:00 pm to discuss the proposals at the next meeting on August 09<sup>th</sup>.

Mr. Nolan made motion to move forward with the RFPs, seconded by Mr. Gallagher.

***Roll Call:***

Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Nolan, Ms. Ryan, Mr. Lee,

Approval of the minutes: June 14<sup>th</sup>,

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

***Roll Call:***

Mr. Knox, Mr. Colby, Mr. Francy, Mr. Stockton, Mr. Nolan, Mr. Lee, Ms. Ryan,

ABST: Mr. Gallagher,

***Adjournment:***

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

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Kathy Burgess, Board Secretary