

Borough of Highlands  
Planning Board (Land Use Board)  
Regular Meeting  
October 13, 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. Stockton, Mr. Braswell, Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Kutosh, Mr. Wells, Mr. Knox,

Absent: Mr. Nolan, Mr. Fox, Ms. Ryan,

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

**New Business:**

**2016-10 Guenther, 4 Marine Pl – Bulk Variance to construct a front deck. Completeness review/Set the hearing date.** Mr. Gunther stated that the subject property is being utilized as a summer house only. The structure does not have any heating system put in. His family comes and uses the house as a vacation home. In addition, he is in a process of elevating the structure to 14 ft. above the sea level. The Applicant is proposing to construct a deck on the front of the house where and the proposed side yard setback is 1.5ft. where is 3ft. is required. He is not proposing any stairs on the front of the house. Moreover, as a part of winterization process, shutters are placed on the windows to protect the house from winter elements. The windows are currently accessible from the ground, but once the structure is elevated, it will be hard to protect the same windows without an access (like front deck). Mr. Gunther added that the house next door (2 Marine Pl) is owned by his brother. The Board had asked following questions:

Q: Are there any other structures on the property?

A: No, this is the principle structure.

Q: Is the proposed deck being covered?

A: No, it will be open.

Q: Can the house be moved over 2ft as it is being elevated?

A: No, he was told that it has to remain in the same footprint, and it will be very costly. Thus, it will remain in the same footprint.

Q: Are there any other decks being constructed?

A: Yes, there will be another deck and stairs constructed on the side of the house for an access.

The Board deemed the Application 2016-10 complete and placed the matter on November 10<sup>th</sup> agenda with the following suggestions/requirements:

- Provide pictures of the current and proposed construction of the deck,
- Clarification/determination of the property line (provide architectural drawings if possible),

- Identify on the plan where will be the proposed deck constructed,
- Provide with current photos of the house,

The Applicant agreed to all.

Mr. Gallagher offered a motion to place the matter on November 10<sup>th</sup> agenda, seconded by Mr. Knox.

**Roll Call Vote:**

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

NAY: None

**2016-11 Ross, 176 Linden Ave – Bulk Variance to install 17’x33’ in-ground swimming pool.**

**Completeness review/Set the hearing date.** Mrs. Ross sated that this is her first house that she purchased. She is proposing to construct an in-ground swimming pool to help cope with her medical condition. Because the proposed pool is larger than 30% of the ground floor of the principle structure, she is seeking a relief. The Board had asked following questions/comments:

Q: Will the Engineer be attending the meeting?

A: No, I was not planning on ask him to attend.

The Board deemed the Application 2016-11 completed and stated that the Applicant should present good planning reasons and come back with the following:

- Look at the surrounding properties,
- Do some homework,
- Provide positive and negative criteria,
- Provide benefits of the project to the community,
- Ask an Engineer to provide some feedback.

The Applicant agreed to all.

Mr. Kutosh offered a motion to place the matter on November 10th agenda, seconded by Mr. Colby.

**Roll Call Vote:**

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

NAY: None

**Master Plan Re-examination. Christine Bell and Stan Slachetka – T&M Associates were sworn in to present a testimony on the Master Plan Re-examination goals and objectives.** The NJ Municipal Land Use Law requires that each municipality in New Jersey undertakes a periodic review and reexamination of its local Master Plan. The Borough of Highlands adopted its last comprehensive Master Plan in 2004. The Borough subsequently adopted a Reexamination Report and Land Use Plan Element in 2009. The 2016 Master Plan Reexamination has been prepared in a light of the experience of Superstorm Sandy. It, places emphasis on facilitating recovery from Superstorm Sandy’s impacts, as well as promoting resiliency to suture storm impacts and other potential natural hazards. To achieve this, the 2016 Master Plan Reexamination Report recommends a number of updates and revisions to 2004 Master Plan.

Bay Avenue Commercial Corridor. Despite of many efforts of the municipality and the business community, the Bay Ave commercial corridor has not risen to the level that community leaders envision. In addition, a Highlands Stakeholder Survey found that 83.02% of residents would support a contiguous business zone along the length of Bay Ave.

Shadow Lawn Trailer Park. A zoning amendment was adopted in late 2007 to allow multifamily dwellings in the Mobile Home zone district. This is one of the few tracks of land left for development in the Borough. The Borough's 2016 Housing Element reflects this site as a potential location to include affordable housing development. It is a recommendation of this report to create an incentive based ordinance which would allow for an increase in density above the existing zoning for the incorporation of green building techniques, building away from slope, affordable housing.

Some of the Members were in favor of increasing the density at the Shadow Lawn Trailer Park by 25%. Some did not agree with the recommendation.

The Board asked what was the recommendation regarding parking near the water? The response was that it prohibits the construction of parking within 400 ft. from the water/Seastrick. Some of the Board Members stated that they do not agree with the recommendation.

All Members agreed to keep the existing zone as a base line, but to allow some incentives like: to increase density, green buildings, and affordable housing.

An additional, special, hearing will be scheduled for the Master Plan Reexamination discussion and open for public comments on October 26<sup>th</sup>, 2016.

Mr. Stockton offered a motion to schedule a special meeting for a Master Plan Reexamination, and to implement the recommendations, seconded by Mr. Card.

Roll Call Vote:

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

NAY: None

**Review of proposed Borough Ordinance 16-14 Standards and requirements for the small wind energy systems.** The Board requested an adjournment for the proposed Borough Ordinance 16-14-Standards and requirements for the Use of Small Winds Energy Systems until November 10<sup>th</sup> meeting. The Board Members have discussed the proposed Winds Energy Systems Ordinance at September 8<sup>th</sup> meeting and have additional comments/questions:

- Complying with new FEMA regulations,
- Complying with the current height restrictions,
- Is there are environmental study/impact available for review,
- Are there any other towns that have similar Ordinances in places,

Moreover, a comment was made that the proposed Ordinance would only benefit roughly six (6) properties in the town. The Board does not see how that Ordinance would be beneficial to the residents. They are requiring more time to do some study/homework.

Mr. Card offered a motion to be carried to November 10<sup>th</sup> agenda, seconded by Mr. Gallagher.

Roll Call Vote:

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

NAY: None

**Approval of the Resolutions:** None

**Unfinished or Adjourned Hearings:** None

**Approval of the Minutes:** September 08, 2016

Mr. Stockton offered a motion to approve the minutes, seconded by Mr. Card.

Roll Call Vote:

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

NAY: None

***Communications and Vouchers:***

Fred Rosiak – 9 Marine Place PB#2016-6 – New Survey of Block 84 Lot 2.01. The Board stated the Mr. Rosiak had been given an opportunity to present his case at the several sub-committee meetings. He has not attended any of the meetings. It is up to the Council now to grant a rezoning request for Block 84 Lot 2.01.

JNC Rental Properties – 15 Miller St. PB#2016-8 – Subdivision deed. The Board Professionals are in a process of reviewing the meets and bounds description.

***Adjournment:***

Mr. Kutosh offered the motion for an adjournment, seconded by Mr. Card. All were in favor.

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Kathy Burgess, Acting Board Secretary