

**Borough of Highlands**  
**Planning Board (Land Use Board)**  
**Regular Meeting**  
**December 08th, 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. Nolan, Mr. Blewett, Mr. Card, Mr. Gallagher (arrived at 7:38 pm), Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh, Mr. Wells, Ms. Ryan, Mr. Fox

Absent: None

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

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

2016-14 Shama Kajiji, 15 Seadrift Ave – Bulk Varaince to rebuild a new single family dwelling. The Applicant's Attorney, Jenifer Krimko, stated that a presentation was made to the Board in 2014 for elevation and addition. The application was approved and Ms. Kajiji began elevating her house. During the construction process, the contractor had noticed lots of deterioration of the existing frame and had remove the entire house except for the newly build foundation. That triggered stop work construction order, a denial letter from a Zoning Officer, and created additional Bulk Variances that needed to be granted in order to proceed with the re-construction. The Board asked for the additional paperwork to be provided at the next hearing on January 12<sup>th</sup>, 2017:

- As build survey,
- New drawings,
- Photographs of what the house use to look like,
- New plans,
- Full review of the NEW T&M review letter,

Mr. Nolan made the motion to place the matter on January 12 agenda, seconded by Mr. Knox.

Roll Call Vote:

AYE: Mr. Nolan, Mr. Blewett, Mr. Card, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Mr. Braswell, Mr. Stackton,

NAY: None

ABST: None

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,

Evidence:

A-1; Lot line adjustment and subdivision application package,

Lot line adjustment on Block 101, Lot 27.02. The subject property is located with the frontage on Shore Drive, and it is in Mixed Use District Zone. The lot area is approximately 5.1 acres. The existing lot has been previously approved to construct 49 townhomes. The Applicant is proposing to adjust the lot line to increase the size of the adjacent residential property at Block 102, Lot 7. The residential property is in the Single Family Residential Zone.

Propose a minor subdivision on Block 101, Lot 27.02. The subdivision (if approved) will be sold to an adjacent neighbor. The Applicant is proposing to subdivide a portion of Lot 27.02 to create a new Lot 27.01. No new construction is being proposed on Lot 27.04 at this time.

Put up a small retaining wall at Block 101, Lot 27.02. The Applicant is proposing to install a short retaining wall between Lot 7 and Lot 27.02 to connect the existing retaining wall along with the site grading.

Questions from the Board:

Q: Will the retaining wall be set on the lot line?

A: The wall will be just a continuation of the existing one.

Q: Are there any construction proposals for the newly created lot?

A: No, it will be sold off to the adjacent property owner.

Q: Are you changing/increasing the impervious coverage?

A: No.

Q: What was the lot originally used for?

A: Originally there was a sanitary sewer on the lot that was connected to Locust St but it is gone now. It was also used for a fire access.

Q: Who is going to maintain the new created lot?

A: The owner-Pultie Homes/association, until is sold off.

Q: What is on both sides of the lot?

A: Single family dwellings owned by two different people.

Q: Is the subject lot vacant?

A: Yes.

Q: Was this application for subdivision and removal of the fire access approved by the Fire Department?

A: No. The access is blocked from the lot by a retaining wall that was approved by Fire Department with the original application.

Q: Are you aware that the subdivision, if granted, will be creating an undersized lot?

A: Yes.

Q: Was there ever a house on it?

A: Yes, long time ago.

There were no questions or comments from the Board.

Mr. Gallagher made the motion to approve retaining wall at Block 101, Lot 27.02 as per testimony and T&M Associates review letter, seconded by Mr. Nolan.

Roll Call Vote:

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

NAY: None

Mr. Nolan made the motion to approve Lot line adjustment on Block 101, Lot 27.02 as per testimony and T&M Associates review letter, seconded by Mr. Nolan.

Roll Call Vote:

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

NAY: None

Mr. Gallagher made motion to carry the Propose a minor subdivision on Block 101, Lot 27.02 to January 12th meeting to offer the adjacent property owners opportunity to purchase the newly created lot with not further notice, seconded by Mr. Nolan.

Roll Call Vote:

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

NAY: None

Mr. Card stepped off a dais at 8: 23 pm and had returned at 8:25 pm.

*16-14 Small Wind Energy System Ordinance.* The Board requested for an adjournment to January 12th meeting. One of the Member stated that he has some stuff that he would like to discuss, but did not bring them to this meeting. The Board had asked for the draft of the proposed ordinance.

Mr. Kutosh made a motion to carry Ord#16-14 to January 12<sup>th</sup> meeting, seconded by Mr. Nolan.

Roll Call Vote:

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

NAY: None

Discussion/vote on a final draft of a Master Plan re-examination.

Ms. Bell, from T&M Associates was sworn at 8:30 pm. She stated that the final changes for the report will be distributed to the Board. She also mentioned that DCA approved the grant in a draft form but they need signed copy from the Board by January 11<sup>th</sup>.

The Board asked if those properties (Captain's Cove and Shadow Lawn Mobile Park) can be excluded from the Master Plan Re-examination report. The response was NO. Moreover, the resolution that was approved at the last Mayor and Council meeting is not going to be discussed at tonight's meeting and it does not have any impact on the Master Plan Re-examination. (*Referring to a letter from the Borough's Attorney dated December 08<sup>th</sup>, 2016*).

New proposal:

- ✓ Create new water from commercial district to Mr. Rosiack's marina,
- ✓ Keep the same zone for the Shadow Lawn Mobile Park,

- ✓ Take out Miller Street out of Commercial Zone District,
- ✓ Approved Proposed Uses: Hotel, Mixed Use Zone, MXU Zone,
- ✓ Parking supplemental,
- ✓ Multifamily 30 units per acre,
- ✓ Commercial on a first floor, residential on a second floor.

Questions from the Public:

Ms. Carolyn Brullyon. She pointed out that placing individual properties into Master Plan would be a spot zoning and it should not be done. She suggested that both properties (Captain's Cove and Shadow Lawn Mobile Park) should be removed from the Master Plan. She also stated that the slope has moved 8 mm (according to USGS study). Is the Board aware of what the professional planners are reporting?

The response was that none of those planners are present at the hearing to testify. Have they been contacted to attend the meeting?

The response was no. A while back one of the mentioned planners had come to the Board but no report was presented at the time of hearing.

Kim Squale asked why the Board is ignoring the movement of the slope.

Board responded that the statement was mad incorrect. Ordinances have been in place to protect and strengthen the slope.

Q: When was the Ord. approved?

A: Not sure, ask the Council.

Q: Why would you allow subdivisions on that property?

A: The Board governs the use of the land. It wants the best/beneficial project for the town.

Hank Sober was sworn in at 9:42 pm.

Q: Have you reviewed the Maser Report?

A: Yes. There are other approaches to do the slope calculations stability.

The Board takes 5 minutes recess brake at 9:45 pm.

Roll Call Vote - after the brake:

Mr. Nolan, Mr. Blewett, Mr. Card, Mr. Gallagher, Mr. Knox, Mr. Colby, Mr. Francy, Br. Braswell, Mr. Stockton,

Questions and statements from the Public:

Q: Has the Maser Plan been finalized and is the Board familiar with it?

A: Not sure what report is being referenced to.

Ross Dilagi, a real-estate agent, asked why a single family dwelling is not being permitted.

The response was that it is not the highest and best use.

Mr. Dilagi was sworn in at 9:55 pm. He stated that a roof top access should be allowed to enjoy the spectacular views of the City.

Water front commercial properties should be allowing parking as a primary use.

The response was that that is not such a good idea for the water front properties. Allowance of parking should remain as an accessory/conditional use.

Mr. Gallagher made a motion to change the zone of Shadow Lawn Mobile Park to Mixed Use Zone to allow a single family and multi-family dwellings with 30 units per acre, 10 stories, parking, retail, office space, with roof top restaurants, seconded by Nolan.

Roll Call Vote:

AYE: Mr. Nolan, Mr. Blewett, Mr. Gallagher, Mr. Knox, Mr. Colby, Br. Braswell, Mr. Stockton,

NAY: Mr. Francy, Mr. Card

Mr. Knox made a motion to have a special meeting on December 22<sup>nd</sup>, seconded by Mr. Nolan.

Roll Call Vote:

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

NAY: None

**2016-11 Ross Resolution** of the approval was also memorialized at the December 08th meeting. Mr. Kutosh made a motion to approve the resolution, seconded by Mr. Francy.

Roll Call Vote:

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

NAY: None

ABST: Mr. Gallagher

Mr. Kutosh made a motion to approve the meeting minutes from October 13<sup>th</sup>, October 26<sup>th</sup>, November 10<sup>th</sup>, and November 14<sup>th</sup>, seconded by Mr. Gallagher.

Roll Call Vote:

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

NAY: None

ABST: Mr. Nolan

***Adjournment***

Mr. Wells offered the motion for an adjournment, seconded by Mr. Francy. All were in favor.

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Kathy Burgess, Acting Board Secretary

