

CALL TO ORDER: Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, Chairman Shivas

Members Absent: Mr. Walsh

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard; Planner Paul Gleitz, Secretary Caitlin Phillips

OPENING STATEMENT: Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE: led by Chairman Shivas

Chairman Shivas noted resolutions were moved to the next meeting.

SUBCOMMITTEE

WOSP-5-2024 Vito Lombardo, 10 Route 206, Block 42 Lot 112, VB Zone

Application to change uses in retail space and update sign

Ms. Raffay said they discussed this with the applicant and their attorney at the Subcommittee meeting, and they have chosen to withdraw their waiver of site plan application. Ms. Hubbard said they will file for an amended site plan application.

MINUTES: August 15, 2024. Mr. McElroy motioned to approve the minutes, seconded by Ms. Raffay.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. McElroy, Smith, Chairman Shivas

Abstaining: Messrs. Proctor, Morytko, Serrilli

Absent: Messrs. Proctor, Morytko, Serrilli

None opposed. Motion carried.

NEW BUSINESS

Z08-2024 Diane and William Carkhuff, 82 South Shore Road, Block 189 Lot 1, R-5 Zone

Application for construction of a new single-family dwelling

Mayor Rubenstein motioned to carry the application to 10/03, seconded by Mr. Serrilli.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, Chairman Shivas

Absent: Mr. Walsh

None opposed. Motion carried.

Z01-2024 Tom Chamberlin, 2 Briar Lane, Block 365.02 Lot 1, R-3 Zone

Application for driveway expansion for a second driveway

Mayor Rubenstein motioned to carry the application to 10/03, seconded by Mr. Serrilli.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, Chairman Shivas

Absent: Mr. Walsh

None opposed. Motion carried.

SP6-2024 Highland Avenue Properties, Block 212 Lot 1, NC Zone

Application for proposed use of a landscape and irrigation contractor business

Richard Valenti appeared on behalf of the applicant. Jason Dunn was sworn in as the Planner at 11 Lawrence Road in Newton, and was deemed an expert. John Eigner was sworn in as the property owner. Mr. Valenti said this is a business adjacent to the Fire company's property. They were in front of the Board in 2022 for site plan approval. Mr. Eigner needed to make changes since then to help with his business. There were a handful of changes including landscaping and buffering. This is being done in cooperation with the Fire Company, who has been added to and signed the application, and provided permission for the fence to be on their property.

Mr. Dunn reviewed the previous approval. Mr. Eigner made changes that were not part of this, including removing trees along the property line near the firehouse and other areas, removing topsoil, and putting in crushed stone. There is a 6–8-foot drop from the fire property to Northern Rain. They were aiming to stabilize the slopes and maintain some trees that were not in good health. They're proposing evergreen trees at the top of the slope, on the firehouse property. Between the trees and property line is a six-foot black chain-link fence, proposed to keep people from coming from the firehouse onto the Northern Rain property. Near the building there are two loading areas. The western-most garage door was a sunken loading area, which was filled in. The catch basin drain was brought up, and now it's a flush entrance. To the west of the building they placed a steel container on gravel, as well as a rock wall that's about 3 feet tall, to retain the slope. There is concrete block in a storage area covered with a plastic roof. The storage area was approved, but the location and size are different. The advantage of having it closer to the fire property is the visibility. It's behind a hill, so you can barely see the top of the roof, which is 16 feet tall. There was a rock outcrop; the stone used for the slope came from this. The gravel area was expanded to some lawn areas. Mr. Eigner re-seeded and re-vegetated those areas as they were before. This doesn't affect the site circulation or parking. Mayor Rubenstein confirmed the heavy, dashed line is their interpretation of the transition area. Mr. Dunn said there are wetlands there; it's not based on an LOI, rather on physical observation in the field. Ms. Raffay confirmed the riprap swale that goes through the area was added after the approval. She asked about protecting parking lot runoff for the transition area. Mr. Dunn said the condition is what it was, except for rocks in the swale. Mr. Eigner said water comes off 206 onto the property, to the corner. He kept the riprap to slow the water down so it's stabilized. Mr. Dunn said they could either get the area permitted or do a vegetated swale. Mr. Eigner said there was stone there when he bought the property, but not riprap. Chairman Shivas confirmed the pitch of the slope was not changed. He asked why the wall was installed. Mr. Dunn commented on the topography; Mr. Valenti said it screens the building from view.

Mr. Stoner asked about the buffer area. Mr. Dunn said they can remove the gravel and put back grass and topsoil. There's piping for irrigation, so workers can walk up to the area and not drive there. They'd like to leave the container there. Mr. Stoner asked if it can be raised above the ground. Mr. Eigner said it is on gravel. Mr. Dunn said this would be an application from the DEP. Mr. Stoner confirmed the white vinyl fence was not part of the last approval. The Board reviewed the fencing that is existing and proposed. The proposed fence is partially on the Fire Department's property. Mr. Dunn said this is because that's at the top of the slope. Mr. Stoner noted the existing fence should be pulled into this application. He asked about the EV spot. Mr. Eigner has an EV-ready spot with a pole with a panel on it. Mr. Stoner said the plan should show where it will be. He asked why the loading dock was filled in. Mr. Eigner doesn't have tractor trailers coming in. Ms. Hubbard reviewed the previous resolution regarding screening. She noted the Fire Department is a co-applicant. The Board discussed outdoor storage.

Mr. Valenti asked if they can't get the DEP approval, can they ask for an alternate location for the container so they don't need to come to another hearing. Mr. Gleitz suggested near the salt bin. Mr. Eigner said it's too far away for his daily use. The Board reviewed the plan changes for the relocation. Mr. Valenti said they'd like to try getting DEP approval. Mayor Rubenstein asked why they did this work without checking with the town. Mr. Eigner said a tree fell on one of his trucks. Mayor Rubenstein said there was other work done. If there are site changes, commercial properties need to speak to the town. Ms. Raffay asked about fence maintenance, since there are co-applicants involved. Mr. Gleitz said the commercial property needs the screening, so they should maintain it. Ms. Hubbard said they should get a maintenance access agreement. Mr. Gleitz noted a landscape easement. Mr. McElroy asked about timeframes for the DEP permit, so that this doesn't become inactive. Mr. Dunn said the permit could take a year to get. Mayor Rubenstein suggested obligating them to decide within a timeframe to tell them if they're going to the DEP or will move the container. The Board clarified they're talking about all work in

the transition area. Mr. Proctor asked if the storage restrictions comply. Mayor Rubenstein said it's a state issue, so the applicant should make sure they comply.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Stoner said he wants updated plans to memorialized what's on site. He asked for them to be submitted within 60 days. He added it should be 60 days for the plans and notification. Ms. Raffay motioned to approve the application with the discussed conditions, seconded by Mr. Proctor.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, Chairman Shivas

Absent: Mr. Walsh

Motion carried. Mr. Valenti asked if the fence can be put up before notifying the town about the DEP permit. Ms. Hubbard said anything done is at their own risk. They should note they will waive receipt of the resolution. Mr. Stoner recommended they submit a written description for an easement. Ms. Hubbard noted they can do it as a site plan attachment.

DISCUSSION ITEM: Affordable Housing Information

Mr. Gleitz reviewed his memo, previously reviewed with the Council. COAH no longer exists, and this is a new program run through the DCA. They will publish new calculations, and then the towns need to accept them or propose their own numbers. There are allocations for each municipality that are based on anticipated growth and need in the next 10 years. They are meant to get numbers by December; by the end of January, they need to adopt an ordinance about the numbers. There are appeal and challenge periods, and a housing element needs to be adopted by June 30th. They've updated information about senior housing and bonus credits, and they recognize Highlands in this process. Highlands needs to send their list to the DCA of participating towns. The intent is to use the planning and preservation areas in their allocations. They will also consider if the numbers are static. Mr. Gleitz anticipates having low allocations, and is hoping they'll get pre-adjusted numbers that consider the Highlands. Ms. Raffay confirmed this is just to have a plan in place, not to start immediately developing. Mr. Gleitz said the intent is to provide adequate opportunity for the provision of our regional share of affordable housing. This has been done through retention of sewer allocations and compatible zoning. The Village Center helps with this. Chairman Shivas noted they're early in the process.

DISCUSSION ITEM: Revised Application and Checklist

Ms. Phillips said they're looking to make it easier for applicants to read through the variance packet, to better understand what is needed, how the presentation works, what kinds of permits are needed, and how to go through completeness and conditions. This is also to make sure the Board has more complete applications and enough information during the meeting. Ms. Hubbard noted there are two separate applications, so this is a way for everything to be together, and provide a residential checklist. They have received drawings that were not to scale, and have struggled through a few meetings, so this helps Mr. Stoner by providing more of a reference. Ms. Phillips said there are guides in the packet for things like completing the noticing, which has been one of the larger issues. There is also information in the packet on how to continue with the process after the Board. This may be a little more work at the beginning, but they're anticipating that it'll make things easier once people are at the meeting, to make the application more comprehensive. Ms. Phillips noted they're looking for the Board's thoughts, and once it's finalized, the next step would be sending it to the Council. Ms. Hubbard noted the Council handles the checklist and updated fees. She said the fees are extremely low from what she's seen-- \$250 is the lowest she's seen compared to Byram. Residential applications are also sometimes charged by the variance. If the escrow is too low, you run into the problem of needing to get it replenished.

Ms. Phillips said they are considering what kind of survey to ask for, because there are some people who have an older survey but nothing on their property has changed. There becomes the question of if the survey is accurate, and if it needs to be updated ahead of a Board meeting. They should also consider the type of application, to see if a new survey is as important for something like a fence as compared to a new addition. Mr. Stoner thinks they need a residential site plan checklist. He suggested having Mr. Gleitz and himself review this and prepare something for the checklist. He noted the Board has struggled with some applications, mainly when the survey is not accurate. Chairman Shivas said they can't ask for a "current" survey because sometimes nothing changes on the survey. Ms. Hubbard suggested asking for an "accurate" survey. Mr. Gleitz noted if there's a survey from when they bought the property, he sometimes accepts that and get a signed letter from the engineer that says they've been to the property and there are no material changes that would affect the findings. He suggested if the survey is more than five years old, they have something signed that says the survey is accurate to the conditions on the property today. Ms. Hubbard said when a property is sold an affidavit of no change is submitted. Ms. Phillips noted another question about surveys is when to ask for a topographic survey. It comes up less frequently, but because those are a lot more expensive, it'd be good to know if they're requiring applicants to get them ahead of the meeting as opposed to coming to the meeting and finding out they need to get one. Mr. Stoner noted if it's a new building they need a topographic survey. He suggested having it on the checklist and then they can ask for a waiver. He noted they also need to determine when hand-drawn markups are acceptable. Ms. Phillips noted the drafted checklist is a pre-check before they're allowed to come to a hearing. Right now there's not a lot of items on the list, so it's easier for people to come in with sketches or things that are not to scale, and there's not as much of a mechanism to tell them they have to fix these items before they present. This revised checklist adds items that would be helpful to ask for and helps back up the request for additional information.

Ms. Phillips noted another consideration is directing people to get County Health approval before coming to the Board. Chairman Shivas said they can't require them to do that—they've looked into this before. He noted the other checklist item that can't be required is a letter from Lake Mohawk. They can come to the Board first for approval. The applicant should be told that they will need additional approvals. Ms. Phillips noted this was considered because sometimes people come to the Board and then find they need County approval, and the County may not agree with the same things as the Board, which triggers them to come back and re-present to the Board. Ms. Hubbard noted getting those approvals first is an added expense and a delay in the Board hearing, and if they don't get approval here then they wouldn't go to the County. Mr. Smith suggested having a separate section that says that after Board approval, additional approvals may be required, and list the examples. Mr. McElroy said people may not read the whole packet; they'll read the parts that are most pertinent. Mr. Smith suggested adding a check box to the document that certifies they read the packet. Ms. Phillips noted in the certification to submit the application, there's wording like that, but people may not necessarily read everything. Mr. McElroy said figuring out what goes into the applicant is the applicant's responsibility. Mr. Gleitz noted this is a user-friendly document with a lot of information. Mr. McElroy noted not every eventuality can be covered. Ms. Phillips noted the goal is for the information to be there if people want it, and for people to see what's involved if they're interested in going through the process.

The Board discussed the zoning table section for edits. Ms. Hubbard likes the example for certified mail. She suggested making it a rule that if they're not filled in, they are not accepted. Mayor Rubenstein noted the noticing is the applicant's responsibility. He asked if it's the Board job to verify the noticing. Ms. Hubbard said not be statute, but Boards look at it to make sure the application can

be heard. Ms. Phillips recognizes it's the applicant's responsibility, but if they're scheduled for a meeting and the noticing isn't correct, then they get moved and it fills up the schedule. Ms. Hubbard noted they can have one application, but separate checklists. Ms. Phillips suggested adding examples of the affidavit of service. Ms. Raffay asked what format this will be in. Ms. Phillips said it would be a Word document and pdf, and ideally it would also be fillable. Mayor Rubenstein asked how noticing is provided and said to reject it if not done clearly. Ms. Phillips asked if she's allowed to do that. Ms. Hubbard said they have to prove notice is sufficient. Information should be provided so that it can be reviewed.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there's been no meeting. Ms. Phillips confirmed the Council hasn't discussed this.

Environmental Commission: Mr. McElroy said they discussed Board applications.

Open Space: Mr. Morytko said there's a meeting next month.

Township Council: Mayor Rubenstein said Mr. Gleitz reviewed his affordable housing memo. They introduced an ordinance allowing members to join the Fire Department who don't live in the municipality, but live in a neighboring municipality, as long as they're in good standing. There was also an update to the stormwater control. Mr. Stoner said there were updates to design standards. This includes higher intensity storm events, and updating the code for if there's a private development project, and they're resurfacing the parking lot, that they have to upgrade their stormwater castings for DEP regulations. They're also changing to eco-heads. Mr. Gleitz mentioned a turtle crossing issue in Monmouth County, regarding a re-opened train track. Ms. Phillips suggested blockades around the tracks, like how parks use to keep salamanders and turtles away from parking areas. Mayor Rubenstein said they are likely to receive a grant from the federal government for \$1.2 million for a new police station. It was part of community project funding. Mr. Proctor said the Council discussed the Planning Board report. They determined that when it comes to carrying applications, it's up to the Board. Mayor Rubenstein noted the length an application is carried is something the Board needs to be cognizant of. They will also be looking at basic accessory structures and cluster zoning. Mr. Gleitz said 20 years ago, before Highlands, there was a mix of properties. The idea was to leave it at the larger lot size, to prevent another 20-30 lots from subdividing. Because of Highlands, the larger lots can't be subdivided. They could make those lots R-4, changing it from the R-3. They could do an amendment, re-zone, or update the code. He can write up a scope of work to progress with these updates.

BILLS: Maraziti and Falcon (13): \$3,622.50. A motion to approve the bill was made by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public and no one spoke so he closed to the public.

ADJOURNMENT

Mr. McElroy noted from Robert's Rules that a member's absence from the meeting doesn't prevent them from participating in their correction or approval. A motion to adjourn the meeting was made at 9:47 by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips