

**BOROUGH OF HIGHLANDS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 4, 2006**

Mr. Mullen called the meeting to order at 7:56 P.M.

Mr. Mullen asked all to stand for the Pledge of Allegiance.

Mr. Mullen made 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 Zoning Board of Adjustment and all requirements have been met. Notice has been transmitted to the Courier, the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

**Present: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Mullen,
Mr. Fox**

Absent: Mr. Mintzer, Miss Tierney

**Also Present: Carolyn Cummins, Board Secretary
Jamie Sunyak, P.P.,
Joe May, P.E., Acting Board Engineer**

Mr. Baxter discussed default approval of applications if they are not heard in time with the Board.

The Board discussed setting a Special Meeting due to the amount of applications.

**ZB#2006-1 Duane Realty, LLC – 1st Request for Postponement to July 6th
Block 94 Lots 1 & 16**

Mr. Francy offered a motion to approve the applicants request for a postponement of the public hearing to July 6th, 2006, seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr.
Mullen**

NAYES: None

ABSTAIN: None

**ZB#2006-2 Worthington Capital
Block 9 Lots 6 & 7 – 1 South Bay Avenue
Setting Special Meeting Date for P.H.**

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 2**

Ms. Ryan offered a motion to schedule a special meeting on June 15, 2006 to hear the Worthington Capital Application, cost for special meeting to be paid by applicant, seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Mullen, Mr. Fox
NAYES: None
ABSTAIN: None

**ZB#2006-3 Gordon, Patricia & Gary
Block 19 Lot 21.04 – S. Peak Street
Application Review & Set P.H. Date**

Present: Henry Wolffe, Esq.
Gary Gordon

Mr. Gordon stated that he wants to build a house on vacant lot.

Mr. Wolffe – we are here for a steep slope ordinance relief, lot depth of 65-feet where 100 feet is required, front yard setback of 20-feet where 35-feet is required, side yard setbacks and rear yard setback.

The Board reviewed the application and stated the following:

1. Provide information with regard to the front yard average setbacks.
2. The applicant will provide building plans to the board and they will identify the building height
3. They will address the parking requirements.
4. They will have an engineer present at the hearing to address the steep slope issues.
5. It should be identified on the plan where exactly the steep slopes are so that the Board can see the degree of variances being requested.
6. Copy of the applicants paid tax receipt.
7. Applicant must serve public notice.

Mr. Duncan offered a motion to schedule this matter for a public hearing on August 3, 2006, seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Mullen, Mr. Fox
NAYES: None

ABSTAIN: None

**ZB#2006-4 Alvator, Michael
Block 70 Lot 5 – 49 Cedar Street
Application Review & Set P.H. Date**

Present: Michael Alvator

The variance application was amended to state that the applicant is the owner of the property.

Mr. Alvator stated that he is seeking a rear yard setback variance.

The Board stated that according to the zoning officer's chart variances are needed for minimum lot size, front setback and side yard setbacks and a rear yard setback.

The Board reviewed the application and stated the following:

1. The applicant must provide a full size survey to the board with a seal on it.
2. The applicant should provide information of the average front yard setbacks in the area.
3. The floor area could be satisfied on this lot were this addition put in another location so the board would like the application to address that issue.
4. The Board Attorney stated that he believes that the lot depth is a variance needed and this item should be added in the public notice.
5. The applicant should provide photographs at the public hearing.

Mr. Duncan offered a motion to schedule this matter for a public hearing on August 3, 2006, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Mullen

NAYES: None

ABSTAIN: None

**ZB#2006-5 Hamilton, Anne
Block 72 Lot 39 – 3 Seadrift Avenue
Application Review & Set P.H. Date**

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 4**

**Present: Anne Hamilton
Mitch Monahan**

Mr. Monahan stated that there is currently a two story house. They are proposing a second and third story twelve feet to the back, not the first story. Bringing the first floor to 12-feet only applies to the back addition, not the first floor. The existing will not be raised only the new construction will be out of the flood plain.

The Board reviewed the application and the following was stated:

1. The Board needs to know that the Flood Administrator reviewed the same documents that are being presented here because there some differences. The applicant should obtain a new flood permit and submit a copy to the board.
2. The board advised the applicant that in addition to the other variances if there is no off-street parking on the site that he would need a parking variance which would be pre-existing.
3. The plans need to match, the applicant will provide drawings to scale.
4. The proposed height of 35-feet is a use variance.
5. The applicant needs to have this reviewed by the Fire Officials prior to the hearing.
6. The applicant must provide the board with a paid tax receipt.
7. The applicant must serve public notice.

Mr. Duncan offered a motion to schedule this matter for a public hearing on August 3, 2006, seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Mullen,
Mr. Fox**

NAYES: None

ABSTAIN: None

**ZB#2006-6 Bahrs, Craig
Block 66 Lot 8 – 52 Fifth Street
Application Review & Set P.H. Date**

Present: None

Mr. Baxter explained to the board that he already wrote a letter on this interpretation request which stated that it is his opinion that the board can not grant relief unless there is a variance application.

Mr. Duncan offered a motion to schedule this matter for the August 3, 2006 meeting, seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Mullen

NAYES: None

ABSTAIN: Mr. Francy

Mr. Baxter stated that the applicant must serve public notice.

**ZB#2005-10 Branin, Gary
Block 48 Lot 3 – 39 Cornwall Street
Approval of Resolution**

Mr. Mullen read the title of the following Resolution for approval:

Mr. Duncan offered the following Resolution and moved on its adoption:

**RESOLUTION APPROVING BULK VARIANCES
FOR BRANIN AT 39 CORNWALL STREET**

WHEREAS, the applicant, GARY BRANIN, is the owner of 39 Cornwall Street, Highlands, New Jersey (Block 48, Lot 3); and

WHEREAS, the applicant has filed an application to construct a second-story addition and place a roof on his front porch; and

WHEREAS, all jurisdictional requirements have been met, and proper notice has been given pursuant to the Municipal Land Use Law and Borough Ordinances, and the Board has jurisdiction to hear this application; and

WHEREAS, the Board considered the application at a public hearing at a meeting on April 6, 2006; and

WHEREAS, the Board heard the testimony of the applicant, GARY BRANIN; and

WHEREAS, no persons appeared in objection or to ask questions regarding the application; and

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 6**

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: 5-page variance application dated 1/23/06, which includes a denied zoning permit application and a survey by MR. ERNST dated 3/28/03;
- A-2: Bulk and area requirements list by Zoning Officer (2 pages);
- A-3: Survey by JAMES GODDARD dated 2/14/06;
- A-4: 10 pages of building plans prepared by applicant;
- A-5: Photo board with various photographs of neighboring properties;
- A-6: Second photo board; and

WHEREAS, the Board marked into evidence:

- B-1: Prior Zoning Board resolution dated 9/2/04 approving variances for same property; and

WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The applicant is the owner of a single-family home in the R-2.02 Zone.
2. The applicant proposes to add a roof to his front porch and extend the house upward, using the same footprint, to create more living space on the second floor.
3. The applicant requires variances for front yard (approximately 13.42 feet, where 20 feet is required), rear yard (5 feet, where 20 feet is required), building coverage of 40%, where 30% is allowed); side yard setback (5.62 feet, where 6 feet/8 feet are required); and from Ordinance 21-98.A.2 for the proposed addition exceeding 80% of the original footprint.

4. The variances sought for rear and side yard setbacks and building coverage are for preexisting conditions.

5. The applicant testified that he has a growing family, his wife is expecting another child, and more living space is required.

Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 7

6. The applicant testified that the area to the rear of his home is a clear pathway, so that he can maintain the building.

7. The applicant's property sits further back from the street than most homes on the street, and his front yard is larger than most homes on the street.

8. The front line of the applicant's home, with the porch, is on line with the neighboring home to the west.

9. The porch will be a concrete top with limestone treads, and will not be enclosed.

10. Other properties in the neighborhood have enclosed porches, and some do not. The applicant's neighbors to the west both have enclosed porches, and one has living space above the porch.

11. The Board questioned the chimney on the right-hand side of the home. The applicant agrees to reduce the extension of the chimney, so that it is only 24 inches, thereby requiring no variance.

12. The windows on the upstairs rear are being installed just for egress.

13. When the addition is completed, the house will have just under 5,000 square feet, inclusive of the garage and attic. The living space alone will total approximately 3,500 square feet.

14. Because of the design of the porch, the house will not appear as a large box, which would have been problematic for the Board. The applicant's proposal is, therefore, in keeping with the intent of Ordinance 21-98.A.2.

15. There is a full driveway between the applicant's home and the house to the west, which provides sufficient open space.

16. The Board determines that the applicant's proposed plans will create an aesthetically pleasing home, and that the design features employed by the applicant will be a positive addition to the neighborhood.

17. The proposed addition will not be a substantial detriment to the public good and will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on April 6, 2006, and this resolution shall memorialize the Board's action taken at the April 6, 2006, meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of GARY BRANIN to

construct a second-story addition to his home at 39 Cornwall Street (Block 48, Lot 3), as defined on the plans submitted and referenced herein, be and is hereby approved, and the following variances are hereby granted: (A) front yard setback of 13.42 feet, where 20 feet is required; (B) side yard of 5.62 feet, where 6 feet/8 feet are required; (C) rear yard of 5 feet, where 20 feet is required; (D) building coverage of 40%, where 33% is

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 8**

permitted; and (E) 100% addition, on same footprint, which is a variance from Ordinance 21-98.A-2;

AND BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

- (1) This approval is granted subject to the applicant obtaining formal approval from the Highlands Planning Board from the flood plain requirements.
- (2) The front porch will not be enclosed.
- (3) The chimney on the right-hand side of the home shall not extend more than 2 feet (24 inches) from the side of the house.

Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox,

Mr. Mullen

NAYES: None

ABSTAIN: None

**ZB#2005-5 Coleman, Janet
Block 49 Lot 8 – 53 Shrewsbury Avenue
Hearing on New Business**

**Present: Janet Coleman
Robert Coleman**

Mr. Baxter swears in both Janet and Robert Coleman.

Mr. Coleman stated that the architect made a mistake on the recent plans that were submitted to the board.

Mr. Coleman stated that the mistake was removing the living room and putting a garage underneath. We have revised plans for this evening which so the living room being added back to the plan.

Mr. Baxter stated that the board did take jurisdiction on the matter previously.

**qBorough of Highlands
Zoning Board Meeting
May 4, 2006 Page 9**

The following documents were marked into evidence:

- A-1: Variance Application initially dated 6/9/05;
- A-2: Zoning Officers Denial Letter dated 1/27/05;
- A-3: Survey prepared by T. Finnegan dated 8/18/03;
- A-4: Flood Elevation Certificate prepared by T. Finnegan dated 7/15/05;
- A-5: Three Pages of Architectural Plans by Michael Savarese with no revision date.

Mr. Mullen – according to the letter from the Zoning Officer the applicant is asking for relief from two sections of the Zoning Ordinance. One is having to do with not exceeding 80% of the original foot print. The other is a side yard setback of 5.2 feet where 6-feet is required. With regard to the flood ordinance, the applicant may have set the first floor lower than what is required. The finished floor elevation is indicated to be 11-feet on drawing A-4 and the flood elevation certificate indicates that it should be 12-feet. There is a foot free board requirement.

Mr. Francy – they need to be 13-feet to the bottom of the floor joist which is roughly two feet higher than shown.

Mr. Mullen explained that any approval given this evening would be subject to the applicant obtaining flood permit approval. He also stated that the height requirement is 30-feet because providing parking underneath has been removed but he feels that the applicant would still comply with the building height even when the applicant raising the house to comply with the flood requirements.

Ms. Coleman stated the following:

1. They are providing two onsite parking spaces.
2. This will be her home.

3. The current structure contains two bedrooms, a living room, one bath, living room, dining room and a kitchen and its partially demolished and inhabitable.
4. The proposed will provide for a living room, kitchen, dining room, one bathroom and a den and the upstairs will have three bedrooms and a porch.

Mr. Mullen explained that the upstairs master bathroom protrudes further into the setbacks so the applicant is really providing for a 7.6 foot side yard which is another variance. So there is a eight inch variance on the northern side and a six inch variance on the southerly side.

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 10**

Ms. Coleman stated that they did some averaging of the front yards but she left them home. She feels that she will fall within the average and that she will not protrude further out in the front than her neighbors.

Mr. Coleman stated that the house will be on piers and will be open underneath. The front of the new structure will be in the same location as the existing front yard will be the same. The front will have an open porch.

Ms. Coleman stated that the existing house is a mess and she does not believe that there will be a negative effect on the neighborhood if this application is approved.

Mr. Coleman – there is an existing depressed curb for the driveway and they do not propose and new depressed curbing.

Mr. Mullen asked if there were any questions from the public but there were none.

Mr. Mullen asked if there were any comments from the public on this matter but there were none.

Mr. Duncan stated that the existing structure is an eye sore in the neighborhood and the property is located in the flood zone which requires it to be raised.

Mr. Francy advised the applicant that the house will have to be raised three feet higher and that the plans will have to be changed to reflect that and that would be a condition of approval.

Ms. Coleman stated that she is aware that she would have to submit modified plans.

Mr. Duncan offered a motion to approve the application subject to (1) the front of the house will remain in the same location (2) No new curbing or sidewalk be installed unless new plan details are submitted (3) 13-feet to the bottom of the floor joist be added on the plans (4) Flood Plain Approval is required (5) Can not exceed the building height requirements. Seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Mullen

NAYES: None

ABSTAIN: None

=====
==

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 11**

**ZB# 2005-8 Knox 400, LLC
Block 108 Lot 2.01 – 460 Highway 36
Unfinished Hearing**

**Present: Henry Wolffe, Esq.
Mr. Knox**

**Mr. Leckstein, Objectors Attorney
Al Litwornia, Traffic Engineer for the Objector
Mr. Fermanec, P.P. for the Objector**

**Ryan Rapp, P.P., Board Professional Planner
Joe May, P.E. Board Engineer**

Mr. Baxter swears in Al Litwornia, Trading Post Trail, Medford Lakes, NJ.

Mr. Baxter swears in Ryan Rapp, P.P. of Schoor DePalma and Joe May, P.E. of Schoor DePalma.

Mr. Litwornia explained his professional background to the board.

Mr. Litwornia provided the following testimony:

1. The circulation cuts through the site and there is no circulation around the building if there is a shortage of spaces. He used Exhibit A-16 while describing the circulation.
2. He does not feel that the parking is adequate
3. The proposed use is a Health Club based on the ITE definition which he further described.
4. The town planner also indicated that the proposed use is a health/fitness use in their letter dated 3/1/2006 item 3.2 of the letter.
5. As an 8,500 square foot Athletic Club it would require 42 parking spaces which he further described.
6. As a Health Club it would require 50 parking spaces which he further explained. If you looked at the 85th percentile the required spaces would be 70 spaces which he further explained.
7. There is a parking deficit and if you use the 85th percentile than there is a large parking deficit.
8. He described parking spillage and stated that if there is no parking available on the site than people will double park, then they would park on the neighboring properties.

Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 12

9. He then described a similar application in a different municipality which had shared parking.
10. He stated that the peak time for the use of this facility would be from 5:00 to 7:00 which is the same peak time for the ferry traffic. He feels that there will be a traffic and circulation problem which he further described.
11. He feels that the proposed will attract new traffic because this is a destination business because people have to be a member to visit the facility.
12. The peak time for usage of in the morning and after work (4:00 -7:00).
13. Usually people buy a one year membership and there not going to not going to stop visiting the facility because there is no parking available because they have a one year membership. If you paid per visit then the parking would be self regulating.
14. He believes that there is not enough parking and the site is being over developed and people will park illegally.
15. The only spots for parking would be at the Eastpointe Shopping Plaza but there is no ability to obtain parking in that facility.
16. He believes that this site is more geared to for a 4,200 square foot health club as opposed to the proposed. He does not feel that this site is well suited for this proposed. He does acknowledge there is no variance for lot coverage being requested but he still believes that the site is not well suited because there is not enough parking..
17. A sit down restaurant would not be a more intense use of the site but a drive in restaurant like McDonalds would be a more in tense use but a McDonalds would not be

located on this site because its to small. The existing Stewarts drive in restaurant is much less than a fast food restaurant.

18. The proposed facility will create an on site and off site impact on traffic.

19. He discussed the jug handles burdens that will be created by proposed.

Mr. Leckstein stated that with regard to a traffic study they haven't gotten that far.

Mr. Littwornia continued his testimony as follows:

20. He believes that there will be an impact at the Linden Avenue jug handle because it presently backs up to Highway 36. He feels that people will use the Linden Avenue because they are going by the site but he does admit that they could use the first jug handle and that there are multiple options to get to the site.

21. For this type of facility he would use the 70 parking space for ITE which would at the 85th percentile which is closer to the average which he further explained.

22. This is a Health Facility verses an Athletics Club and either way there is a parking deficit and people will park on the adjacent roadway until a parking spot becomes available.

=====
==

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 13**

**ZB#2005-9 Palatial Homes, LLC
Block 63 Lot 19.01 – 231 Bay Avenue
Hearing on New Business**

Present: Mr. Peck, Esq.

Mr. Duncan stated that due to the late hour it appears that the board will not be able to hear this matter.

Mr. Peck stated that they are granting a time waiver to the board until June 15, 2006.

Mr. Duncan offered a motion to carry this matter to the June 1, 2006 meeting, seconded by Mr. Mullen and all were in favor.

Mr. Mullen advised the public that this matter has been carried to the June 1st meeting and no further public notice will be given on this matter

=====
==

ZB#2005-5 Knox 400, LLC
Block 108 Lot 2.01 – 460 Highway 36
Unfinished Hearing

Mr. Wolffe begins his cross examination of Mr. Littwornia.

Mr. Littwornia stated the following testimony in response to questions:

1. He you use the average parking calculations then you would be talking about 50 spaces as a health club and the applicant has 35 spaces for the health club, two for the tower and two for the apartment.
2. He does not know how many people are at the site regularly for the cell tower.
3. If there were two empty spaces that were designated for the cell tower they may be used or they may not be used it would depend on how they were designated.
4. The size of the health/fitness clubs went down to 10,000 square feet for a heath/fitness club. For the Athletic Club it only went down to about 20,000 square feet. He then read through a chart from ITE – 492 with regard to sizes. Athletic clubs do not have reading as low as 10,000 square feet and for health and fitness clubs six that are about 10,000 square feet. These are not recent studies and some of the areas are denser areas and some are not.

The April 28, 2006 letter from Schoor DePalma was marked as Exhibit B-6.

Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 14

Mr. Littwornia continued as follows:

5. He described studies that his firm has done.
6. He has testified before as an expert witness for Planning Boards to review the parking studies for health clubs and directed that traffic studies be done by applicants to show what the actual traffic would be on similar sites prior to board approval. He did not rely on Ordinance that state what should be the required number of parking spaces but had parking studies done at similar sites to determine the parking requirements for the same type of facility would be so that he could determine what the requirements would be.
7. He is aware that the applicant has an existing facility further down the highway but he had not done a study of it.
8. Item 2.4 of Exhibit B-6 refers to parking requirements in Middletown for this size facility would require 42.3 parking stalls but he does not know if there is a number of accidents or traffic problems due to there parking requirements. In Marlboro the parking

requirement would be 42.3 parking stalls but he does not feel that these requirements are more relevant to the ITE study. He also read the other town requirements from East Brunswick that was in Item 2.4.

9. Peak Hours are from 5:00 to 8:00 and he did mention that the ferry lets out about the same time. He then described some traffic routes that the ferry riders would use.
10. He does not feel that all the people will get to the site by using the Ocean Ave jug handle but rather the Linden Avenue jug handle.
11. Circulation in the site is a problem and if parking were adequate then circulation would be less of an issue. It would be preferred to have circulation around the building.
12. Parking is the primary issue.
13. If you were going to use some of the courts in the facility just for some sport activity than you can expect to have some less use at those times. The problem is that its difficult to enforce and most of the times those courts are used for aerobics and then you would have a hire use.
14. The existing Stewarts drive in has a greater usage in the summer time and the traffic on highway 36 is also greater in the summer time.

Mr. Mullen asked if there were any questions from the public but there were none.

Mr. Fermanec stated the following:

1. He described the existing use and the traffic and intensity of the use and in comparison the health and fitness club is a destination type of use which he further described.

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 15**

2. There are six health clubs within a two mile radius which he determined in search the internet.
3. People will be parking in the residential area and on surrounding streets if there is inadequate parking.
4. The restaurants use is more self regulating because you have more options and with the health club facility there aren't really options if you are a member.
5. He described the things that you need to consider in determining if the site is suitable for the proposed facility which he does not believe is. The major factor for making this site unsuitable for the proposed is the lack of parking.

Mr. Mullen questioned Mr. Fermanec for a lengthy period with regard to this proposed use, suitability of the site and certain sections of our ordinance.

Mr. Wolffe questioned Mr. Fermanec with regard to special reason criteria for a use variance.

Mr. Mullen asked if there were any questions from the public but there were none.

Mr. Leckstein stated that the objector rests.

Mr. Wolffe stated that the applicant rests.

Mr. Mullen asked if there were any members of the public who wished to comment on this application.

Elaine Hoffman of 19 Laurel Drive, Highlands was sworn in and stated that she believes that this is a residential zone and she is concerned with the need for another fire hydrant and expressed her traffic concerns.

Sean Johnson of 65 Bay Avenue, Highlands was sworn in and stated that traffic is a hazard and he does not support the application.

William Jones of 55 Laurel Drive, Highlands was sworn in and stated the he supports the application and he is a member of the applicants existing gym.

Lori Bodnar-Nolan of Highlands Business Partnership was sworn in and spoke favorably about the application.

Thomas O'Neil of 48 Barberie Avenue, Highlands stated that traffic is an issue and there is a lot of traffic.

**Borough of Highlands
Zoning Board Meeting
May 4, 2006 Page 16**

There were no further public comments.

Mr. Duncan offered a motion to close the public portion, seconded by Mr. Francy and all were in favor.

Mr. Mullen explained that we will carry this meeting and have the final summations at the next meeting on June 1st and at that time the board will deliberate and make a decision.

Mr. Baxter advised Council for both sides that if they wish to submit a legal argument that they do so at least ten days prior to the meeting.

==

Approval of Minutes

Mr. Francy offered a motion to approve the April 6th minutes, seconded by Mr. Mullen and all were in favor.

Mr. Francy offered a motion to approve the April 6th Executive Session Minutes but not to release them, seconded by Mr. Mullen and all were in favor.

Mr. Duncan offered a motion to adjourn the meeting, seconded by Mr. Mullen and all were in favor.

The Meeting adjourned at 11:22 P.M.

CAROLYN CUMMINS, BOARD SECRETARY