

**BOROUGH OF HIGHLANDS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 1, 2007**

Mr. Mullen called the meeting to order at 7:35 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. Braswell, Mr. Francy, Mr. Fox, Mr. Mullen, Mr. Anthony,
Mr. Britton

Absent: Mr. Mintzer, Ms. Ryan

Also Present: Carolyn Cummins, Board Secretary
Greg Baxter, Esq., Board Attorney
Joe May, P.E., Acting Board Engineer

Mr. Mullen asked all to observe a moment of silence in honor of Board Member Bill Duncan.

**ZB#2006-1 Duane Realty, LLC – Request for Postponement to March 1st.
Block 94 Lots 1 & 16 (321 Bay Avenue)**

Mr. Mullen announced that the because of the passing of one of our board members the Attorney for the applicant kindly offered to postpone this hearing.

Mr. Francy offered a motion to reschedule the public hearing for Duane Realty for March 1, 2007, seconded by Mr. Braswell and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Braswell, Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen

NAYES: None

ABSTAIN: None

Mr. Mullen advised the public that this hearing will be carried to the March 1, 2007 meeting and that no further public notice will be given.

**ZB#2006-11 Monahan, Gary – Request for Postponement of Public Hearing
Block 3 Lot 5 (74 Portland Road)**

Mr. Mullen stated that the applicant has requested a postponement of their public hearing.

Mr. Francy offered a motion to reschedule the Monahan public hearing to April 5, 2007, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Braswell, Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen**

NAYES None

ABSTAIN: None

Mr. Mullen advised the public that the Monahan public hearing has been carried to the April 5, 2007 meeting with no further public notice.

**ZB#2007-2 Alvator, Donna
Block 35 Lot 6 & 7 (10N. Peak Street)
Application Review & Set P.H. Date**

Present: Donna Alvator

The Board reviewed the application and the following was stated:

1. The applicant stated that the lots have been merged into a single lot.
2. The applicant must with a tax map of the borough on the survey located structures that may be close to the subject structures.
3. The applicant's documents and plans need to show the north and south directions.
4. The applicant must provide photographs of the site and the surrounding sites.
5. Variance Application – the applicant amended item #1 of the variance application to indicate that the applicant is the owner of the subject lots. The applicant must provide a percentage to item #3 of the variance application.
6. The Board could not understand the height because if the applicant is adding another story they are questioning the 2.75 foot change in the height that is indicated. The bulk chart needs to be clarified. The Board also advised the applicant to review the building height ordinance to make sure the height calculations are correct.
7. The applicant should provide on the survey the existing utilities and provide some existing grades around the property to understand where water runoff would go.
8. The Applicant was advised that there are public notice requirements and the need to obtain a Certified Property Owners List.

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Mr. Fox offered a motion to schedule this matter for a public hearing on April 5, 2007, seconded by Mr. Braswell and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Braswell, Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen**

NAYES: None

ABSTAIN: None

**ZB#2007-3 Burton, Robert
Block 72 Lot 4 (22 Atlantic Street)
Application Review & Set P.H. Date**

Present: Robert Burton

The Board reviewed the application and the following was stated:

1. Mr. Burton stated that this is an application for to add a six foot front porch.
2. The applicant should provide photographs of the site.
3. The applicant should draw the addition and steps onto the site plan in reference to the front of the building and provide the dimensions.
4. The applicant was advised of the public notice requirements.

Mr. Francy offered a motion to set the public hearing date for the Burton application for April 5, 2007, seconded by Mr. Braswell and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Braswell, Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen**

NAYES: None

ABSTAIN: None

**ZB#2006-10 Hall, George – Request for Postponement
Block 116 Lots 12 & 13 (410 Navesink Ave)**

Mr. Baxter stated that he has reviewed the public notice and finds it to be in proper form therefore the Board can take jurisdiction on this matter.

Mr. Mullen stated that the applicant has granted the Board an extension of time through April.

The Board discussed the upcoming meeting schedules and decided to set the public hearing date for the May Meeting and if the applicant has a problem with that meeting date then the board can deal with that at the next meeting.

Mr. Francy offered a motion to reschedule the public hearing for Hall to the May 3, 2007 meeting, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Braswell, Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen**

NAYES: None

ABSTAIN: None

Mr. Mullen advised the public that the Hall meeting date has been rescheduled to the May 3, 2007 meeting date and that no further public notice would be given.

Approval of Resolutions - Board Engineer Contract

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

Mr. Mullen offered the following Resolution and moved in its adoption:

**RESOLUTION AWARDING A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Borough of Highlands Zoning Board has a need for professional engineering services as a non-fair and open contract to be provided to the Zoning Board for the calendar year 2007 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and Francis Mullan, P.E. of the firm of Schoor DePalma, P.O. Box 900, Manalapan, NJ 07726 is so recognized;

WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, Schoor DePalma has completed and submitted a Business Entity Disclosure Certification which certifies that Schoor DePalma Engineering has not made

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any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year (reportable contributions made prior to January 1, 2006 are not considered for the purpose of determining whether a contractor is prohibited from being awarded a contract), and that the contract will prohibit Schoor DePalma Engineering from making any reportable contributions through the term of the contract; and

WHEREAS, Schoor DePalma has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

WHEREAS, Schoor DePalma has submitted that attached contract for Professional Engineering services for the calendar year 2007; and

WHEREAS, the Zoning Board has reviewed attached contract for Professional Engineering Services for 2007; and

WHEREAS, certification of the availability of funds is hereby provided by the Chief Financial Officer.

Zoning Board Budget
Account #1151-3757 - \$2,100.00
For the Period of January 1, 2007 through June 30, 2007

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. Francis Mullan, P.E. of Schoor DePalma is hereby appointed as Zoning Board Engineer for the calendar 2007 and contract is awarded for Professional Engineering Services to be provided to the Zoning Board for the period of January 1, 2007 through June 30, 2007 for an amount not to exceed \$2,100.00.

2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

**AYES: Mr. Braswell, Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen**

NAYES: None

ABSTAIN: None

Approval of Minutes

Mr. Mullen stated that there were corrections that needed to be made on the January 4, 2007 minutes on page 21 in the Mr. Mullen stated paragraph.

Mr. Fox offered a motion to approve the January 4, 2007 minutes with the amendments, seconded by Mr. Francy and all were in favor.

**ZB#2006-6 Bahrs, Craig
Block 66 Lot 8 (52 Fifth Street)
Letter Withdrawing Application**

Mr. Mullen stated that the Board received a letter from Mr. Bahrs withdrawing Zoning Board Application #2006-6.

Mr. Fox offered a motion to dismiss ZB#2006-6 as a result of the applicants request to withdraw, seconded by Mr. Anthony and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Braswell, Mr. Fox, Mr. Anthony, Mr. Britton, Mr. Mullen

NAYES: None

ABSTAIN: Mr. Francy

Communications

ZB#2006-5 Hamilton, Anne

Block 72 Lot 39 (3 Seadrift Avenue)

Several Communications Re: Hamilton Application

Mr. Baxter explained that the applicant has been calling Borough Hall and has had communications with him self. He has written to her to explain to her that the Board has no jurisdiction over her matter because the board has heard her application and made a decision on her matter and the time for appeals has expired. She is does not agree with a condition of her approval so he advised her that she can file a new application requesting relief from a condition of her approval.

Engineer Review Letters

Mr. Mullen advised the Board Engineer that he did not need to prepare engineer review letters for both the Alvator and Burton applications

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

The Meeting adjourned at 8:15 P.M.

CAROLYN CUMMINS, BOARD SECRETARY