

**Borough of Highlands  
Zoning Board  
Regular Meeting  
June 7, 2007**

Mr. Mullen called the meeting to order at 7:40 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. Mintzer, Mr. Francy, Mr. Fox, Mr. Anthony,  
Mr. Mullen**

**Late Arrival: Mr. Gallagher arrived at 9:51 P.M.**

**Absent: Ms. Ryan and Mr. Britton**

**Also Present: Carolyn Cummins, Board Secretary  
Greg Baxter, Esq., Board Attorney  
Francis Mullan, P.E., Board Engineer  
David K. Maski, P.P., Board Planner**

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**ZB#2006-1 Duane Realty, LLC – Request for Adjournment  
Block 94 Lots 1 & 16 – 321 Bay Avenue**

Mr. Mullen explained that the board received a letter from the applicant's attorney requesting that this matter to be adjourned until June 7th. He believes that there was some discussion on the board about carrying this particular case at length because of the impact that it has on our scheduling and that if they did not move forward with their application we would entertain a motion to dismiss the application without prejudice.

Mr. Baxter explained the contents of the Resolution dismissing the application and the history of the applicants requests for several adjournments.

The Board had a discussion on this matter.

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

**RESOLUTION DISMISSING DUANE REALTY  
APPLICATION WITHOUT PREJUDICE**

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**WHEREAS**, DUANE REALTY, LLC, has filed an application for variance relief and site plan approval, which application was filed in February 2006, bearing Application No. ZB-2006-1; and

**WHEREAS**, the Board reviewed the application at its meeting of March 2, 2006, and scheduled the matter for hearing on May 4, 2006; and

**WHEREAS**, the applicant was not ready to proceed, and requested an adjournment from the May 4, 2006, meeting, which was granted and carried to July 6, 2006 for hearing. The applicant thereafter made a second request for an adjournment from the July 6, 2006, meeting, which was granted and scheduled for hearing on October 5, 2006. Thereafter, the applicant made a third request for an adjournment at the August 3 meeting for an extension to the November 2, 2006, meeting, which was granted. Thereafter, the applicant made a fourth request for an adjournment at the November 2, 2006, meeting, which was granted, and the hearing was scheduled for January 4, 2007, with a “try or dismiss” designation; and

**WHEREAS**, the applicant began its case at the Board’s meeting of January 4, 2007, at which time three witnesses testified; and the matter was thereafter continued to the February 1, 2007, meeting; and

**WHEREAS**, the applicant thereafter made its fifth request for an adjournment, from the February 1, 2007, meeting, which was granted and scheduled for the March 1, 2007, meeting. Thereafter, the applicant made a sixth request for an adjournment from the March 1, 2007, meeting, which was granted and scheduled for hearing on June 7, 2007, with the requirement that the applicant or its attorney advise the Board of its intentions no later than April 30, 2007; and

**WHEREAS**, neither the applicant nor anyone on its behalf advised the Board on or before April 30, 2007, of its intentions and whether or not it intended to proceed; and

**WHEREAS**, this application has had a detrimental effect on the Board’s calendaring of cases to be heard, because of the time needed for this hearing, followed by the applicant canceling dates and requesting adjournments; and

**WHEREAS**, the Board finds that the six adjournment requests granted were more than sufficient, and that the applicant should either proceed or have its application dismissed without prejudice; and

**WHEREAS**, the applicant has not produced any testimony in support of the primary use variance relief requested; and

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**WHEREAS**, the Board has now received a letter from the applicant's attorney dated May 9, 2007, requesting a seventh adjournment;

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Highlands that the application of DUANE REALTY, LLC (Case No.

ZB 2006-1) be and is hereby dismissed without prejudice, since the applicant has not timely proceeded with its case, nor has it advised the Board of its intentions by the date required. The applicant's request for an adjournment is, therefore, denied. If the applicant refiles an application for variance and/or site plan approval before this Board, seeking the same or substantially the same relief as in this application, and does so prior to December 1, 2007, the Board will waive the filing fee. If the application is filed on or after December 1, 2007, a new application and new filing fee will be required;

**AND BE IT FURTHER RESOLVED** that any unused funds posted by the applicant, after payment of the Board's professionals' fees, shall be returned to it. Seconded by Mr. Mintzer and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Mintzer, Mr. Francy, Mr. Fox, Mr. Anthony,  
Mr. Mullen  
**NAYES:** None  
**ABSTAIN:** None

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**ZB#2006-11 Monahan, Gary – Request For Postponement  
Block 3 Lot 5 – 74 Portland Road**

Mr. Mullen stated that the board received a letter requesting an adjournment on this matter.

Mr. Baxter stated that the public notices will all have to be resent because they were using a 2006 Clerks List, so the notice is in effective and Mr. Rosen the applicant's attorney is aware of this.

Mr. Francy offered a motion to carry the Monahan Public Hearing to August 2, 2007, seconded by Mr. Mintzer and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Mintzer, Mr. Francy, Mr. Fox, Mr. Anthony,  
Mr. Mullen  
**NAYS:** None  
**ABSTAIN:** None

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Mr. Mullen advised the public that the applicant will have to renote for the August meeting.

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**ZB#2007-4 Zazzara, Joe  
Block 43 Lot 4 – 24 Shrewsbury Avenue  
Application Review & Set P.H. Date**

**Present: Joe Zazzaro**

The Board reviewed the application with the applicant and the following was stated;

1. The Applicant amended the application to stated that he is the owner of the property.
2. The Board requested that the applicant provide written documentation as to the meaning of “as per Zoning Officer” which is stated on the applicants bulk chart on the plans.
3. The applicant must include in the public notice height variance and bulk variances for pre-existing side yard setbacks.
4. The applicant stated that he will provide old photographs to the board.
5. The Board wanted to know if the applicants architect used the current building height definition. The board also felt that is was possible that the application does not exceed the height limit and perhaps does not need a variance.
6. The Board requested that the applicant provide photographs of the subject property and surrounding properties.
7. The board directed the applicant to contact the Zoning Officer to determine if a height variance is needed.
8. The applicant must clarify what is old and what is new on the plans.

Mr. Mintzer offered a motion to schedule this matter for a public hearing on August 2, 2007, seconded by Mr. Anthony and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**ZB#2007-5 Renner, Robert  
Block 64 Lot 21 – 216 Bay Avenue  
Application Review & Set P.H. Date**

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**Present: Robert Renner**

The Board reviewed the application with the applicant and the following was stated:

1. The applicant needs to provide an updated survey that is signed and sealed by a Professional.
2. The applicant should verify the correct property address for vacant lot.
3. The applicant must also include the deck in the building coverage which may result in the need for a building coverage variance, this should be included on zone chart on plans.
4. The applicant must provide a Flood Elevation Certificate.
5. The Date on the Zoning Chart is January 2003, the applicant needs to verify that that the zone requirements are current requirements.
6. The applicant must provide photographs of the site and surrounding sites.

Mr. Renner stated that prior to him purchasing this vacant lot he received zoning approval and building permits to construct a house but they were later pulled by the Borough. He purchased this property based on the approval that was given to him by the borough.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**ZB#2006-3 Gordon, Gary & Patricia  
Block 19 Lot 21.04 – S. Peak Street  
Approval of Resolution**

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

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

**RESOLUTION APPROVING BULK VARIANCES  
FOR GORDON ON SOUTH PEAK STREET**

**WHEREAS**, the applicants, GARRY & PATRICIA GORDON, are the owners of a vacant lot on South Peak Street in Highlands, New Jersey (Block 19, Lot 21.04); and

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**WHEREAS**, the owners filed an application to construct a one-family home; 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 hearings on December 7, 2006, and May 3, 2007; and

**WHEREAS**, the Board heard the testimony of JEFFREY MC ENTEE, Architect; and DANIEL BUSCH, Engineer & Planner; and

**WHEREAS**, several neighbors appeared to ask questions about the application, but only one (JOSEPH MC FADDEN) testified in opposition to the application; and

**WHEREAS**, the applicants submitted the following documents in evidence:

- A-1: Variance application (3 pages);
- A-2: Zoning permit application with denial (3 pages), and including bulk and area requirement chart and copy of steep slope ordinance;
- A-3: 4/7/06 Survey by Thomas Finnegan;
- A-4: Highlands Planning Board resolution regarding the property dated 4/23/87 (3 pages);
- A-5: Subdivision plan dated 7/31/86 by Richard Stockton, with 6 revisions, latest being 10/12/87;
- A-6: Architectural plans by Jeffrey McEntee dated 6/19/06 (5 pages);
- A-7: 4/23/07 Reply letter by Daniel Busch, of Mazur Consulting (6 pages);
- A-8: 3/9/07 Report of Preliminary Subsurface Exploration—Slope and Foundation Evaluation by James Serpico, of Mazur Consulting;
- A-9: Layout and grading plan by Daniel Busch, of Mazur Consulting (2 pages);
- A-10: Architectural plans by Jeffrey McEntee revised 3/30/07 (2 pages), showing changes to part of Exhibit A-6;
- A-11: Deed into the Gordons dated 3/14/91;
- A-12: Deed of easement for driveway access dated 8/11/03.

**WHEREAS**, the following exhibits were also marked into evidence:

- B-1: 3/26/87 Letter from John Truhan to Planning Board with subdivision review chart attachment;
- B-2: Zoning Board Engineer's review letter dated 7/27/06;
- B-3: Board Engineer revised review letter dated 4/26/07.

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

1. The applicants are the owners of property located in the R-1.01 Zone.
2. The site is currently vacant.
3. The subject parcel is an irregularly-shaped piece of approximately .137 acres.
4. There is an 8-foot wide paved driveway, subject to a driveway easement (Exhibit A-12), running along the easterly property line and serving the McFadden home to the east.
5. The Planning Board previously approved a subdivision regarding this property on April 23, 1987 (Exhibit A-4), which subdivision has the effect of permitting a single-family home to be built on the subject parcel.
6. The zoning ordinances have changed since 1987. For instance, the zoning ordinance in effect at the time of the subdivision required a minimum lot size of 7,500 square feet in this zone, where the current zoning ordinance permits lot sizes of 5,000 square feet.
7. Since the Planning Board previously approved this parcel for subdivision, the Board unanimously finds that the applicants are permitted to build a single-family home on the lot. The only questions remaining are as to the size and placement of the home on the lot.
8. The property slopes east to west, with the primary slope occurring approximately 10 to 12 feet from the westerly boundary. The slope on the balance of the lot (to the east) is not anywhere near as dramatic. The slope at the western end implicates the borough's steep slope ordinance.
9. When the applicants appeared at the first hearing, the driveway and garage were proposed to be on the left (easterly) side of the property. As a result of concerns expressed during that hearing, the plans were redrawn, with the house basically mirroring the original plan, but placing the driveway and garage on the westerly portion of the lot. The footprint of the proposed house, however, did not change.
10. The applicants propose to construct a home 40 feet by 30 feet, as reflected on their plans.
11. The placement of the driveway on the western portion of the property provides more separation on the east side, between the house and the driveway and easement.
12. The applicants' engineer and planner, Daniel Busch, testified at some length regarding the slope stability, the test borings taken, the slope's stability analysis, and the procedures to be employed in construction.
13. The ordinance requires that the structure be at least 25 feet from the top of the slope. The applicants propose a distance of 12.5 plus/minus feet. They also propose disturbance of the property within 10 feet of the top of the slope, where 15 feet is required.

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14. The applicants' expert, Daniel Busch, testified that, because of the type of development being undertaken here, there should be no concern that the stability of the slope would be impaired or that any neighboring property would suffer any damage as a result of construction of the proposed home.

15. The applicants' engineer recommended footings of at least 3 feet below grade, which is the minimum allowed.

16. The Board and neighbors were concerned with possible erosion coming down the hill, either from adjoining properties or this property. The Board, however, was very favorably impressed by the testimony of Mr. Busch regarding the dry well which will be placed behind the home and the improvement that the dry well will make to the avoidance of surface water running down the property into the street. The proposed dry well will be an improvement to the subject lot, as well as to the neighboring lots and street, and is something that does not appear to have been employed by other properties in the neighborhood.

17. Mr. Busch testified that there should be a reduction in runoff, when the project is complete, and the Board accepted that testimony as persuasive and convincing.

18. The applicants request variances for minimum lot depth (75 feet, where 100 feet is required), which is a preexisting condition; for a front yard setback of 20 feet, where 35 feet or the local average (with a minimum of 17.5 feet) is required; a rear yard setback of 15.6 feet, where 25 feet is required; and waivers from the steep slope ordinance, referred to above.

19. Because of the configuration of the lot, and keeping in mind that the applicants, by right, are entitled to build a single-family home, it would be almost impossible to construct a home on the site without obtaining some variance relief. The application, therefore, was considered by the Board for a hardship variance under N.J.S.A. 40:55D-70c(1).

20. The Board finds that the "(c)1" hardship criteria have been met by the applicants, entitling the applicants to the variance relief requested.

21. The only person who testified in opposition objected by stating that the nature of his and his neighbors' objection is that they did not want another house built on the street. They were, therefore, opposed to any house being constructed.

22. The Board found that the rear yard setback variance requested was de minimus, and that the steep slope concerns were addressed quite well by the applicants' engineer. In fact, the procedures recommended by Mr. Busch were considered by the Board to be better than the way in which other property owners have handled similar situations.

23. The Board also finds that the added burden of a house on this lot will not compromise the slope, and that there will be less runoff after construction than there is today.

24. The proposed single-family home will not, therefore, be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The Board is empowered to grant this variance pursuant to N.J.S.A. 40:55d-70c(1).



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**WHEREAS**, the application was heard by the Board at its meetings on December 7, 2006 and May 3, 2007, and this resolution shall memorialize the Board's action taken at that meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Highlands that the application of GARRY & PATRICOA GORDON to construct a single-family home on the lot is hereby approved, and that variances for lot depth of 75 feet, where 100 feet is required (a preexisting condition); front yard setback of 20 feet, where 35 feet is required; rear yard setback of 15.6 feet, where 25 feet is required; and a waiver from the steep slope ordinance permitting the home to be constructed in the location on the applicants' plans, with the drainage system proposed by the applicants' engineer, be and the same are hereby granted.

**AND BE IT FURTHER RESOLVED** that these variances are granted upon the following conditions:

1. The plans shall be amended to indicate the overflow from the dry well.
2. The applicants will provide the Borough Engineer with verification of the height of the house.
3. An "as built" survey will be provided prior to the issuance of any Certificate of Occupancy.
4. The drawings will be revised to show that utilities do not compromise the driveway easement.

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

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Mintzer, Mr. Anthony, Mr. Mullen  
**NAYES:** None  
**ABSTAIN:** None

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**ZB#2006-10 Hall, George  
Block 116 Lots 12 & 13 – 410 Navesink Avenue  
Hearing on New Business**

**Present:** Rick Brodsky, Esq.  
Douglas Katich, Trustee for Opportunity Knox  
John Martinez, P.E.

Mr. Baxter advised Mr. Brodsky that there are only six board members present and the application requires five affirmative votes. He also advised the board that he reviewed the public notice and finds it to be proper; therefore the Board can take jurisdiction on this matter.

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The following documents were marked into evidence

- A-1: Variance Application;
- A-2: Zoning Permit Application;
- A-3: Bulk Chart by Zoning Officer dated 5/1/07;
- A-4: Site Plan Application;
- A-5: Use Variance & Site Plan Drawings dated 7/5/06;
- A-6: Statement of Operations;
- A-7: Model of A-5 Colored;
- A-8: Photographs on a board;
- A-9: Floor Plan;
- B-1: ZB Resolution dated 1/7/99 Granting Use Variance to F. Sala;
- B-2: ZB Resolution dated 3/4/99 Granting Site Plan Approval to F. Sala.

Mr. Brodsky stated that George Hall purchased this site and wants to lease it to Opportunity Knox which is a non-profit organization. There is no proposed change to site because the building is to stay the same although various upgrades have been made to the site. The reason for a "D" variance is the zone line splits down the property and a majority of the site is in the H-O Zone where the athletic club use that is being proposed is allowed but 25 feet is in residential zone. He is representing both property owner George Hall and the proposed tenant and operator of the site Opportunity Knox. The owner of the property is one of the trustees of the tenant. The bulk variances that are associated with the site such as front yard setback, lot size, side yard setbacks are pre-existing and are not being altered. What you will here tonight is that this is a not for profit operation proposed for children. There are limitations for the operation in terms of number of children, number of employees and type of activities. This is a very low intense use that is being proposed.

Mr. Baxter explained that there has been quite a bit of communication in the past couple of days in terms of the proposed use and it is the understanding that the proposed use fits within the permitted use categories of the new zoning ordinance.

Fran Mullan, P.E. and David Maski, P.P. of Schoor DePalma were both sworn in.

Douglas Katich, Trustee of Opportunity Knox, 89 Grange Ave, Fair Haven, NJ was sworn in and stated the following:

1. He spoke about George Halls background and all of his charitable accomplishments.
2. Mr. Hall purchased this building in 2004 and they decided that it would be a benefit to this community and surrounding communities if they were to dedicate this space to a extremely well run and organized boxing related charity. The reason for focusing on a boxing charity is because that was a sport that got him on track as a youth.

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His vision was to work closely with the community leaders in this town and some of the surrounding towns to structure a program in that facility which would be designed around the sport of boxing and around life lessons. There are certain curriculum standards that the children would have to continue to uphold.

3. Mr. Hall is willing to submit to any and all limitations from this board and we will fit the mission to fit within that in terms of the number of students, hours of operation.

4. This is the first site for the proposed use and will draw local and national attention.

5. They realize the limitations of the site and will coordinate this program with leaders of the community.

6. The children will be bussed to the site from a central location.

7. The children will be of preteen and teen years of age and the selection process will be based on need and of screening by schools and local leader. They have not defined the exact program yet but it will comply with all state statutes.

8. There will be no more than 10 children on the premises and there will be two full time employees who will be very experienced trainers and there will be one full time security person on the premises at all times.

9. There will be a central off site location to pick up the children after school so the hours of operation would be after school to 7:00 P.M.. These will be primarily school children, there may be children that the community leaders identify that may be home schooled children. The program would run no more than four days a week.

10. Opportunity Knox was formed and it's a non-profit organization which he further explained.

11. The current use of the site is a private office for Mr. Hall and the nature of this application is to convert this site into this charitable inherent beneficial public use.

12. This is primarily going to be for the Borough of Highlands however they do want to reach out to surrounding communities as well.

13. We have spoken to certain community leaders and we have determined that in fact there is a need in this borough for a youth oriented service such as this.

14. It is not our intent to draw on from outside the County and perhaps not even outside the radius of Red Bank.

15. The children are taken to the site and then taken from the site.

16. It will be a two or three hour program after school a day and there will be no more than ten students.

17. He hasn't personally reached out to the community leaders but agents of the applicant have. They spoke with the Chief of Police and Tim Hill, Recreation Director. Our plan is to sit down with all of the community leaders and work out an intelligent program.

18. This program will encourage students to be active participants in the community and to stay productive and to become productive in the community which he further described.

19. Not all components are written in stone.

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20. The spectrum of children for this program is they must be someone who will benefit, someone who has potential which he further described.
21. They would be willing to engage in some sort of audit process to verify that there will be no more than ten students.
22. There will be a security person on the site and if a parent does come to the site it will be discouraged which he further described.
23. There is no seating being provided and there are no bleachers because it is not designed for spectators.
24. The windows have already been smoked so that people can't look in.
25. Exhibition matches will not be held on site.
26. There is going to be a gate on the site and a professional person that will explain to the parents that this is no parking for parents and that they shouldn't be there. The reality is that the site will be able to accommodate those examples of those uninvited parents or guests who do come to the site.
27. There will be two coaches and a security person on the site.
28. Mr. Hall decided on this property because he thought that this site was particularly suited for this use and it is centrally located near his home in Navesink, New Jersey and because of the sites existing structure and footprint. There are no walls that need to be built and there is no need to expand the footprint.
29. There will be virtually no traffic.
30. This is facility will not be open to the public.
31. He spoke briefly about other similar programs.
32. The selection process will comprise of an Advisory Board.
33. We have spoken with the Chief of Police who has expressed an interest in this program and confirmed that there is a need for this.
34. We believe that this is an inherently beneficial use.
35. He reviewed the statement of explanation that was submitted which described the type of students that this program is for.
36. He described the program and how it will develop a skill of talent.

Mr. Mullen asked if there were any questions from the public.

Patty Parker of 59 Snug Harbor Avenue stated that she spoke with the schools and they indicated that they had not spoken to the applicant. She questioned the parking and the need for this facility and the criminal type of students that will be participating in the program.

Mr. Katich stated that they will talk to the schools after they receive approval for the facility. He stated that there will be no felons in the program and they will be monitored.

Mary Moore of 5 Gravelly Point Road questioned the age of the program participants.

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Mr. Katich stated that age range would be limited to 17 or 18 years old. They are focusing on middle school aged children.

Pauline Jennings of 27 Ralph Street questioned if there would be a religious requirements.

Mr. Katich stated that this is a non-religious pursuit.

Carter Jennings of 27 Ralph Street questioned the stated that this was an ideal location for this facility.

Mr. Katich stated that this was a permitted use in this zone and further described Mr. Halls perspective that this site is suited for this use.

Maureen Kraemer of 200 Portland Road questioned if the home schooled children that were referred to are home schooled children because they are no longer permitted in the schools because of violence. She also questioned the five students to one teacher ratio.

Mr. Katich explained that there isn't a formula that it has to do with site limitations.

Mr. Gallagher arrives at the meeting at 9:51 P.M.

Patty Parker of Snug Harbor Avenue questioned the board about possible limitations of the application and enforcement of conditions of approvals.

Mr. Mullen explained that if approved that there would most likely be conditions.

Arnie Foug of 50 Valley Street questioned if the use could be altered later on.

Mr. Katich stated that if the program were not working then they would shut it down.

Mary Moore wanted to know where she could find more information on this program.

Mr. Katich stated that there is no website developed yet.

Mr. Gallagher of 221 Linden Avenue questioned the qualifications of the trainers and if there would be weekend and summer programs. He also asked if Mr. Hall applied for this program at his Rumson property.

Mr. Katich stated that they have not hired anyone yet but they will be deemed the most qualified. Mr. Hall uses his Rumson property for the children's cancer charity. There may be some weekend and summer programs in addition to the regular after school program.

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Maureen Kraemer of 200 Portland Road asked the board if this program folded could a private person come in and use the site as a profit facility.

Mr. Baxter explained that the use variance runs with the land not the person.

There were no further public questions.

Mr. Mintzer offered a motion to continue the public hearing beyond 10:00 P.M., seconded by Mr. Francy and all were in favor.

John Martinez, P.E. of 1955 Hwy 34, Wall, NJ was sworn in and stated the following:

1. He is a licensed Professional Engineer in the State of New Jersey. He then described his professional background to the board which the board accepted.
2. He described the site layout as marked as A-7 which shows the existing building as being 3200 square feet. The parking lot located on the western portion of the property contains seven existing parking spaces, one of them being handicapped. There is a wooded area to the rear of the site.
3. He then showed the zone boundary line that runs through the property. The residential portion is located in the R-2.03 Zone and the remaining portion of the property is in the H-0 Zone. The entire site is over 10,900 square feet.
4. The access to the site will remain the same. There is an existing depressed curb on Hwy 36 and it will just be a right in and a right out movement. They have done a van turning template and it works fine.
5. There are six functional parking spaces on the site.
6. This building does have a garage associated with it. Of the 3200 square foot of the structure 830 square feet is a garage with a roll up door.
7. Three employees will be parked inside of the building, there are four parking spots inside.
8. Only 2400 square feet of the building is associated with the boxing use.
9. The ITE parking requirements for an athletic club is a ratio of 3.9 for every 1,000 square feet therefore they would only need 9.2 parking spaces.
10. The van will drop off and pick up and will designate a parking spot for the van, so there would be four parking spaces left over after full capacity
11. The site will remain unchanged except for the sign.
12. The north western parking space – he agrees with the board engineer with regard to its function of that space and they would rip out the pavement of that spot and put in landscaping between the first spot and sidewalk.
13. The proposed use is a reduction in the intensity of the use of the site.
14. There will be a small sign on building which will conform.
15. There is no outside trash area proposed.
16. With regard to the van maneuverability they will provide a circulation plan.

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17. The lighting outside will remain the same.

The Board had a discussion about the parking requirement for this application and the requirement of for 12 parking spaces where the applicant is providing 10 parking spaces.

Mr. Mullen asked if there were any questions from the public for Mr. Martinez.

Patty Parker of Snug Harbor Avenue questioned the size of the van that would be used to transport the students.

Mr. Martinez stated a 12 to 15 passenger van.

There were no further questions from the public.

Mr. Francy offered a motion to carry this public hearing to the August 2<sup>nd</sup> meeting, seconded by Mr. Anthony and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Mintzer, Mr. Francy, Mr. Fox, Mr. Anthony,  
Mr. Gallagher, Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

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**Approval of Minutes**

Mr. Mintzer offered a motion to approve the May 3, 2007 Zoning Board Meeting Minutes, seconded by Mr. Francy and all eligible members were in favor except Mr. Fox who abstained.

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

The Meeting adjourned at 10:35 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**