

**Borough of Highlands
Zoning Board of Adjustment
Regular Meeting
July 5, 2007**

Mr. Mullen called the meeting to order at 7:34 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. Mintzer, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Mullen,
Mr. Gallagher, Mr. Britton**

Absent: Mr. Braswell, Mr. Francy

**Also Present: Carolyn Cummins, Board Secretary
Gregory Baxter, Esq., Board Attorney
Board Engineer was not Present**

**ZB#2007-6 Patel, Atul
Block 38.01 Lot 13 – 19 Bay Avenue
Application Review & Set P.H. Date**

Present: George Madinallo – Friend of Applicant

Mr. Madinallo stated that this is an application for a Check Cashing Store. The applicant is not prosing a residence. The applicant wants to put an apartment upstairs for himself, not to rent out. It would be a place for him to count money, it would be an office/apartment.

The Board reviewed the application with Mr. Madinallo and the following was stated:

1. Mr. Madinallo was informed by the Board Attorney that the applicant or an Attorney would have to be present for the hearing, that Mr. Madinallo who is not an Attorney could not represent the applicant.
2. Variance Application must be corrected for items 2,4 and 5. Mr. Patel must submit a corrected Variance Application to the board as follows:
 - Item 4 – Single Story Building – Milk Box
 - Item 5 – Minimum Lot Width, lot depth, front yard, side yards, building coverage, FAR and use variance and lot coverage.
3. The property is located in the WC-1 Zone which prohibits residential uses; therefore the application will require two use variances one for the first floor commercial use and another for the second floor residential use.
4. The applicant must serve proper public notice and list all requested variances.

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5. The Board pointed out that the Zoning Application and the Variance Application do not have the same information; therefore the applicant must clarify this.
6. The applicant must provide parking information which is not shown on the plan.
7. The sketch is hand drawn and is not to scale and it appears that it is not big enough to get into a parking space.
8. The Board advised Mr. Madinallo that the applicant should bring a Professional to the hearing to speak about the planning issues for the use variances.

Allison Loori of 300 Bay Avenue stated that this site is not suited for any of the permitted uses.

Mr. Baxter advised the board that based on the application as presented it is incomplete but the Board could schedule a public hearing date.

9. Mr. Mullen advised the applicant that he has to address all of the zoning issues with regard to setbacks, this particular property has two front yards because it has a street on both sides of it. The applicant needs to do a plan that this board feels is accurate, it probably should be drawn by an Architect, it should show how it will operate with regard to parking and how you enter the store. They will need to get someone that is familiar with presenting evidence to the board with regard to the criteria or proofs that are necessary for a variance.
10. The applicant should bring photographs of the surrounding area and site to the hearing.

Mr. Mintzer offered a motion to schedule this matter for a public hearing on September 6th on the basis that the application is amended, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mintzer, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Britton,
Mr. Mullen
NAYES: Mr. Gallagher
ABSTAIN: None

Resolutions for Professional Services

Mr. Mullen read the titles of the following Resolutions for approval:

| Ms. Ryan offered the following Resolution and moved on its adoption:

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**RESOLUTION
FOR PROFESSIONAL LEGAL SERVICES
FOR THE BOROUGH OF HIGHLANDS ZONING BOARD
FOR THE PERIOD OF JULY 1, 2007 THROUGH DECEMBER 31, 2007**

WHEREAS, the Borough of Highlands Zoning Board of Adjustment has a need for professional legal services for the Zoning Board; and

WHEREAS, such professional legal services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Zoning Board memorialized a Resolution in January 2007 appointing Gregory Baxter, Esq., from the firm of Caruso & Baxter as Zoning Board Attorney for a term of one (1) year expiring December 31, 2007; and

WHEREAS, in addition to Professional Services Contract a contract is hereby awarded for an additional amount not to exceed \$600.00 for legal services provided for the period of July 1, 2007 through December 31, 2007, for legal services provided to the Zoning Board which are not covered in his annual salary; and

WHEREAS, a certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon adequate funding being provided by the Borough of Highlands Governing Body in the State Fiscal Year 2008 Budget:

Zoning Board Budget
Account #1151-3755 \$600.00
July 1, 2007 – December 31, 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 contract for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Zoning Board as follows;

1. That Gregory Baxter, Esq., from the firm of Caruso & Baxter is hereby retained to provide Professional Legal Services as described above for an amount not to exceed \$600.00 for the period of July 1, 2007 through December 31, 2007.

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2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11(1)(a)(i) because it is for services performed by person authorized by law to practice a recognized profession.

3. A copy of this Resolution shall be placed on file with the Zoning Board Secretary.

4. The Borough of Highlands Zoning Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Mintzer, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Mullen,
Mr. Gallagher, Mr. Britton

NAYES: None

ABSENT: None

ABSTAIN: None

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

**RESOLUTION
FOR PROFESSIONAL ENGINEERING SERVICES
FOR THE BOROUGH OF HIGHLANDS ZONING BOARD
FOR THE PERIOD OF JULY 1, 2007 THROUGH DECEMBER 31, 2007**

WHEREAS, the Borough of Highlands Zoning Board of Adjustment has a need for professional engineering services for the Zoning Board; and

WHEREAS, such professional engineering services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Zoning Board memorialized a Resolution in January 2007 appointing Francis Mullan, P.E., from the firm of Schoor DePalma as Zoning Board Engineer for a term of one (1) year expiring December 31, 2007; and

WHEREAS, in addition to Professional Services Contract a contract is hereby awarded for an additional amount not to exceed \$1,950.00 for engineering services provided for the period of July 1, 2007 through December 31, 2007, for engineering services provided to the Zoning Board which are not covered in his annual salary; and

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WHEREAS, a certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon adequate funding being provided by the Borough of Highlands Governing Body in the State Fiscal Year 2008 Budget:

Zoning Board Budget
Account #1151-3757 \$1950.00
July 1, 2007 – December 31, 2007

Stephen Pfeffer, Chief Financial Officer

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

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

1. That Francis Mullan, P.E., from the firm of Schoor DePalma is hereby retained to provide Professional Engineering Services as described above for an amount not to exceed \$1950.00 for the period of July 1, 2007 through December 31, 2007.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11(1)(a)(i) because it is for services performed by person authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Zoning Board Secretary.
4. The Borough of Highlands Zoning Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Mintzer, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Mullen,
Mr. Gallagher, Mr. Britton

NAYES: None

ABSTAIN: None

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**ZB#2007-5 Renner, Robert
Block 64 Lot 21 – 216 Bay Avenue
Hearing on New Business**

Present: Robert Renner

Mr. Baxter reviewed the applicant's public notice and advised the board that he finds it to be proper therefore the board can take jurisdiction on this matter.

The Board had a discussion about the confusion of the property location. Mr. Renner stated that on his deed it indicates 216 Bay Ave and Mr. Mullen stated that they approved an application at 216 Bay Avenue so how could there be two 216 Bay Avenues? Mr. Renner did not have an answer to this.

Robert J. Renner of 46 Fourth Street, Highlands was sworn in.

The following documents were marked into evidence:

- A-1: Variance Application – 3 Pages;
- A-2: January 21, 2003 Letter from M. Hartsgrove of the Building Dept.;
- A-3: Zoning Permit Application with survey dated 11/11/02 and a bulk chart prepared by the Zoning Officer;
- A-4: New Cover Sheet of Plot Plan dated 6/12/07 by James Goddard;
- A-5: The Originally submitted Plot Plan without the Cover Sheet;
- A-6: Elevation Certificate by James Goddard dated 4/20/07;
- A-7: Survey dated 4/12/07 prepared by J. Goddard;
- A-8: Pictures on Board;
- A-9: Pictures on Board.

Mr. Renner stated the following during his testimony and response to questions from the board:

1. He wants to build a single-family home with two bedrooms which is permitted in this zone.
2. The lot is an undersized lot and there is a house east of him that was recently built on an undersized lot which received approval from this board. That lot is exactly the same size as his lot and that house is the same footprint as he is proposing which is 18 by 50.
3. He is proposing two rear yard decks which are 8 feet deep by 12 feet wide.
4. The eight foot projection of the deck still leaves him 22-feet in the rear.

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Mr. Mullen stated that there is no rear yard, front yard variances required for this application.

Mr. Renner continued his testimony as follows:

5. The distance between his proposed structure and the adjacent structures on either side of him do not present any problems to either of the houses.
6. The distance between houses from the proposed structure on the two sides are 4-foot and 3-foot. Mr. Mullen stated that that is the distance between the applicants building and the lot line, so it looks to be 6.2-feet to the dwelling to the west and 4.7 -feet to the dwelling to the east.
7. There are no trees on his property therefore no trees would be affected.
8. He purchased this property in June 2003 and its been vacant since. He applied for building permits to build a house and received approval for them but then they were taken back because a variance was needed.
9. The neighbor's house to the east has a chimney protruding out but does not encroach on to his property. He has no windows proposed on that side of the house.

The board had a discussion with the applicant about the centering of the structure but no changes came about from the discussion.

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 but there were none.

The board discussed the following conditions:

1. That the applicant be required to direct water runoff into the Street.
2. The applicant provide an as-built prior to a C/O being issued to verify height.
3. Subject to AHHRSA approval.
4. Does not exceed the allowed height, it will not exceed 32.5 feet.
5. Variances be granted for lot size, lot width, side yards and coverage.

Mr. Mintzer offered a motion to approve the application subject to the conditions as discussed, seconded by Mr. Gallagher and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Mintzer, Mr. Fox, Mr. Anthony, Mr. Gallagher, Mr. Britton,
Mr. Mullen**

NAYES: None

ABSTAIN: None

NOTE: Mrs. Ryan briefly left the meeting room during the vote.

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**ZB#1007-4 Zazzaro, Joe
Block 43 Lot 4 – 24 Shrewsbury Avenue
Applicant Submitted Letter Withdrawing Application**

Mr. Mintzer offered a motion to accept the applicant's letter withdrawing his application to this board.

Mr. Mintzer offered a motion to accept the withdrawal of the application and to approve the refund of any unused escrow fees, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Mintzer, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Gallagher,
Mr. Britton, Mr. Mullen**
NAYES: None
ABSTAIN: None

Approval of Minutes

Mr. Mintzer offered a motion to approve the June 7, 2007 Zoning Board Meeting Minutes, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL

AYES: Mr. Mintzer, Mr. Fox, Mr. Anthony, Mr. Mullen
NAYES: None
ABSTAIN: Mr. Gallagher

Communications

The Board spoke about the June 28, 2007 letter from the Atlantic Highlands/Highlands Regional Sewerage Authority.

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

The Meeting adjourned at 8:34 P.M.

CAROLYN CUMMINS, Board Secretary

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