

**BOROUGH OF HIGHLANDS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 4, 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, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Mullen

Absent: Mr. Gallagher, Mr. Britton

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

**ZB#2007-7 – 231 Bay Avenue, LLC
Block 63 Lot 19.01 – 231 Bay Avenue
Application Review & Schedule P.H. Date**

Present: Peter Vignuolo, Esq.
Peter Camamis, Principal of 231 Bay Avenue

Mr. Vignuolo stated that this property was the subject of a prior application. The application is proposing to convert the first floor of the structure into two commercial units for retail space and then proposing two two-bedroom and a one one-bedroom apartment on the third floor. The property is a through lot that is a corner lot so it has a number of bulk requirements that it does not meet but those are mostly pre-existing conditions and they are primarily caused by the fact that it has more front yards than most properties do have.

The Board reviewed the application and the following was stated:

1. The applicant will submit a Flood Review Application.
2. The applicant stated that 231 Bay Avenue, LLC is the owner of the subject property.
3. The application requires a use variance for multi-family use and commercial use in a single family zone.
4. The board wanted to know if the application is increasing the floor area beyond the floor area allotment for commercial.

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5. The applicant should familiarize himself with the outdoor living space requirements of residential uses with business uses.
6. Zoning Chart – the applicant should add the MF requirements to their Zoning Chart.
7. The Applicant should address the Zoning Officers Comments with regard to providing a survey of the property, are lot coverage changes addressed in the application, she also questioned the building height.
8. The application states that the existing use on the site is a tavern and in some documentation that was submitted it refers to boarding room. The Board wanted to know if they applicant is making claims that this is or was a boarding room. The applicant stated that is not part of this case he is converting a tavern into a mixed use.
9. The applicant should provide photographs of the site and surrounding area.
10. The applicant should confirm the parking requirements.
11. Outdoor Recreational area needs to be addressed.
12. The Zoning Analysis on the cover sheet indicates that this lot has two front yards but it actually has three front yards and one side yard, this will affect the bulk requirements.
13. Old term of Board House – the applicant is not seeking to use a Grandfather status.
14. Applicant will need to defend his written statement “that the Governing Body could not have contemplated that adaptive reuse of this property at the time they established a Zoning Scheme”. The applicant may need to provide factual information as to what the property was used for and when.
15. Correct the parking calculations on the plans because there is an error.
16. Retail Space – The applicant stated that it may be used for a deli shop or a florist, some type of neighborhood business. It could also be used as a single unit retail, if need be.
17. The Board Engineer was authorized to prepare a Review Letter for this application.
18. The applicant was advised that all paperwork must be submitted at least 10-days prior to the meeting.
19. Stormwater Management – The Board Engineer requested that the applicant address some sort of stormwater management for retaining roof water on site.
20. Lighting & Buffering Requirements – the applicant will also need to address exterior lighting and buffering requirements.
21. Loading Area – the applicant will need to establish a loading area.

The Board had a discussion with the applicant and his attorney about scheduling a public hearing date and they agreed to a December date.

Mr. Mintzer offered a motion to schedule a public hearing for this matter on December 6, 2007, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Braswell, Mr. Mintzer, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Mullen

NAYES: None

ABSTAIN: None

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Approval of Minutes:

Ms. Ryan offered a motion to approve the September 6, 2007 Minutes, seconded by Mr. Fox and all were in favor.

Communications:

The Board reviewed some recent Ordinances that were adopted by the Governing Body. The Board spoke about two ordinances that were recently adopted that restrict use of property but they are not a zoning amendment. The two ordinances refer to rehabilitation uses and sexually oriented business uses. The Governing Body adopted these ordinances as Police Regulations rather than Zoning Amendments. The board also raised the question that there isn't a definition of a rehabilitation facility.

The Board suggested that a memo be sent to the Governing Body asking how the board would handle the recently restricted uses without a definition.

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

The Meeting adjourned at 8:18 P.M.

CAROLYN CUMMINS, BOARD SECRETARY