

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
June 5, 2008**

Mr. Braswell, Vice Chairman called the meeting to order at 7:33 P.M.

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

Mr. Braswell read 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 posted on the public bulletin board and transmitted to the Courier, the Asbury Park Press and the Two River Times.

**ROLL CALL:**

**Present:** Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Gallagher, Mr. Britton, Ms. Solomon

**Absent:** Mr. Anthony, Mr. Mullen

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

**Mr. Braswell welcomes the newly appointed board members.**

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**ZB#2007-9 Magrans, Michael – Request for Postponement of P.H.  
Block 46 Lots 2 & 3 – 111/123 Bay Avenue**

Mr. Baxter stated that the Board received a written request for a postponement of the public hearing and that they granted the board a two month extension of time to act.

The Board discussed the applicant's third request for a postponement and that it should not be first on the August agenda.

Mr. Gallagher offered a motion to carry the Magrans Public Hearing to the August 7<sup>th</sup> Meeting, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Gallagher, Mr. Britton, Ms. Solomon

**NAYES:** None

**ABSTAIN:** None

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**ZB#2008-2 Pace, Vincent  
Block 22 Lot 34 – 22 Prospect Street  
Application Review & Set P.H. Date**

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**Present:**       **Vincent Pace  
                  Marty Britton, Contractor**

**Conflict:**       **Ryan Britton stated that he had a conflict on this matter and stepped down.**

Mr. Pace stated that Mr. Kovic prepared the drawings.

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

1. The Variance Application question #3 was amended to under 30%, questioned#2 was amended to 1,850 square feet of area, question #8 was amended to paid through second quarter of 2008.
2. The applicant was advised to list all of the variances height?, front yard and slope? being requested in the public notice and to put for any and all other variances deemed necessary by the board. The applicant was also advised that he could submit his public notice to the Board Secretary so that the Board Attorney can review it before he sends it out and that notice has to be served and published at least 10-days prior to the hearing.
3. The Board advised the applicant to speak about the proposed location of the garage and why it can't be put on the other side. The applicant explained that its basically because of the slope area and that there is a 80 foot evergreen tree there that he does not want to remove.
4. The Board advised the applicant to add building grades on garage corners of the structure, topo lines for storm water and if the slope exceeds 30% then another variances would be required. The applicant must also provide if the driveway will be paved up to garage and to put the disturbance on the plan survey, add utilities to the plan and add slope on roof to show building height.
5. The Board advised the Board Engineer that no board engineer review letter would be required for this application.
6. The applicant shall provide photographs of the site.
7. The applicant was also requested to show what he is doing with leader drains.

Mr. Fox offered a motion to set the public hearing date for July 17<sup>th</sup>, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

**AYES:**           **Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Gallagher, Ms. Solomon**  
**NAYES:**       **None**  
**ABSTAIN:**   **None**

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**ZB# 2008-4 Wood, Thomas & Mary  
Block 26 Lot 9.02 – 3 South Peak Street  
Application Review & Set P.H. Date**

**Present: Marty Britton, Contractor  
Thomas Wood**

**Conflict: Ryan Britton had a conflict of interest on this application and stepped down.**

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

1. Variance Application question #3 was amended to under 30%. Question #6 was blank and the applicant was advised that he could developed that at the hearing. Question #8 was amended to paid through second Quarter 2008 for both taxes and sewer.
2. The applicant will provide photographs of the site from different views.
3. The applicant will prepare an average front yard setback document for the front yard and contact the Zoning Officer to determine if a variance is required.
4. The applicant was informed that he must apply for a Certified Property Owners List and that he must serve public notice for the hearing.

Mr. Francy offered a motion to schedule this matter for a public hearing on July 17<sup>th</sup>, seconded by Ms. Ryan and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Gallagher, Ms. Solomon**  
**NAYES: None**  
**ABSTAIN: None**

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**ZB# 2008-3 Knox 400, LLC  
Block 108 Lot 2.01 – 460 Highway 36  
Application Review & Set P.H. Date**

**Present: Henry Wolff, Esq.  
Mike Knox  
Paul Mazzella, Objector**

**Conflict: Mr. Britton stated that he also had a conflict on this matter and stepped down.**

Mr. Wolff explained the reason for this application being sent back to the Zoning Board. He described previous Zoning Board Approval for a Health Club which was overturned. The

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Council then amended the Zoning Ordinance to allow for this use so they went before the Planning Board then the objector argued that the Planning Board did not have jurisdiction on this matter because the application required a use variance because of the existing cell tower use on the site which he further explained. The site now has 45 parking spaces and the entrance to the site will be only from Ocean Avenue. They need a lot coverage variances of 85% where 80% is permitted in addition to the use variance for the cell tower use and they need a sign variance which is pre-existing . He also stated that the ordinance requires a deck for the residential apartment so they would say that this variance is pre-existing. He also stated that the Planning Board application for this matter has been withdrawn.

Mr. Knox spoke with the board about the amount of money that he has spent on this application for the past few years and asked if he was going to be required to post the required \$700.00 in escrow fees for this application.

Mr. May stated that he can just update the engineer letter and that this update would not exceed the applicant's current escrow balance of \$305.00.

The Board had a discussion about the escrow funds with the applicant. The applicant then stated that he would pay the additional \$700 for his Zoning Board Escrow.

Mr. Baxter then explained to the board the reason that the use variance is needed for the existing cell tower use because the ordinance was changed and they need conditional use approval for it, if you meet certain criteria which they don't and because of that they need a use variance.

The Board discussed the use variance that is required for this application with the Board Attorney and applicant. The Board also discussed the scheduling of a public hearing for this application.

Mr. Mazzella stated that he would like to think that two meetings should be reasonable to complete this hearing process.

Mr. Francy offered a motion to schedule a public hearing for this matter on August 7, 2008, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Gallagher, Ms. Solomon

**NAYES:** None

**ABSTAIN:** None

Mr. Britton returned to the meeting table.

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**Approval of Minutes**

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Ms. Ryan offered a motion to approve the May 1, 2008 Zoning Board Meeting Minutes, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Gallagher, Mr. Britton

**NAYES:** None

**ABSTAIN:** None

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**Communications:**

The Board reviewed some upcoming seminars that the Board received information on.

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

The Meeting adjourned at 8:43 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**