

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
February 5, 2009**

Mr. Mullen called the meeting to order at 7:35P.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 and all requirements have been met. Notice has been transmitted to the Asbury Park Press and The Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present:** Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Gallagher, Mr. Mullen, Mr. Kutosh

**Absent:** Mr. Britton, Ms. Tierney

**Also Present:** Carolyn Cummins, Board Secretary  
Gregory Baxter, Esq., Board Attorney

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**ZB#2008-7 Domagala, Karol – 3<sup>rd</sup> Request for Postponement of P.H. to March 5<sup>th</sup>, 2009  
Block 21 Lot 16.01 – 90 Highland Avenue**

The Board reviewed the written request from Mr. Domagala for a third postponement of his public hearing to March 5<sup>th</sup>.

Mr. Gallagher offered a motion to approve the applicants request for a postponement to the March 5, 2009 meeting, seconded by Mr. Braswell and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Gallagher, Mr. Kutosh, Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

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**ZB#2008-2 Pace, Vincent – 3<sup>rd</sup> Request for Postponement of P.H. to April 2, 2009  
Block 34 Lot 2 – 22 Prospect Street**

The Board reviewed the written request from Mr. Pace for a third postponement of his public hearing to April 2, 2009.

Mr. Gallagher offered a motion to approve the applicants request for a postponement to the April 2, 2009 meeting, seconded by Ms. Ryan and approved on the following roll call vote:

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**ROLL CALL:**

**AYES:** Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Gallagher, Mr. Kutosh,  
Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

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**Review of ZB Letter of Recommendations to Governing Body**

The Board reviewed the ZB Letter of Recommendations to the Governing Body.

Mr. Gallagher offered a motion to approve the following letter of recommendations, seconded by Mr. Braswell and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Anthony, Mr. Gallagher, Mr. Kutosh,  
Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

January 21, 2009

**To:** Mayor & Council  
Borough of Highlands

**RE:** 2008 Zoning Board Annual Report  
and List of Recommendations

Dear Mayor & Council:

Attached is a copy of the 2008 Zoning Board Annual Report which is a summary of all of the applications heard in 2008 and the board decisions made on those applications.

The Zoning Board makes the following recommendations for amendments to the Zoning Ordinance:

Residential uses are permitted "accessory use" in the Business Zones, however there are very few other development standards to guide the developers and the Board of Adjustment as to:

a.) Floor Area – as a percentage of the commercial use on the site. The Board currently assumes a maximum of 50% of the floor area may be residential and still be "accessory".

b.) Density – maximum number of units per acre. This is our Zoning Ordinance's standard method of control for residential uses, and varies from a maximum of 14 units per acre (in the multi family zone) to 3 units per acre (in our least dense single family zones). The Board has not seen applications for what may

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have been the original concept of a proprietor living above his place of business, but it has seen a few applications for the development of housing.

c.) Floor Area Ration (FAR) – the floor area permitted as a percentage of the lot area. A new number should be established for each permitted use (business and accessory residential) in order to maintain an appropriate development size; or the FAR could be weighed to encourage one use or the other (i.e. permit more floor area for an “ all commercial development greater than you would permit, using a mix of residential and commercial).

We are aware that the Planning Board is currently reviewing the standards for development in the business district and we would like them to be aware that accessory uses permitted within the business zones have to be further defined to provide for appropriate development.

On behalf of the Zoning Board we thank you for your attention in this matter.

Sincerely,

Peter Mullen  
Zoning Board Chairman

**2008 ZONING BOARD ANNUAL REPORT**

Prepared by: Carolyn Cummins, Board Secretary  
Date: December 9, 2008

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<b>ZB#2006-10</b>	<b>Hall, George</b>
	<b>Block 116 Lots 12 &amp; 14, 410 Highway 36 (B-1 &amp; R-2.03 Zones)</b>
	<b>Denied 2-7-2008</b>

The Board denied the application for a use variance, bulk variances and site plan approval to construct/establish a rehabilitative boxing school for “at risk” youth.

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<b>ZB#2007-7</b>	<b>231 Bay Avenue, LLC</b>
	<b>Block 63 Lot 19.01, 231 Bay Avenue (R-2.02 Zone)</b>
	<b>PENDING</b>

Application to renovate existing building to contain retail on the first floor, office and storage space, two (2) two bedroom apartments on the second floor.

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**ZB#2007-8**      **Morales, Peter**  
**Block 108 Lot 1, 440B Highway 36 (B-1 Zone)**  
**Withdrawn – May 2008**

This was an application for a use variance to operate a marine mobile repair business at the site.

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**ZB#2007-9**      **Magrans, Michael**  
**Block 46 Lots 2 & 3, 111/123 Bay Avenue (B-2 Zone)**  
**Withdrawn – August 2008**

This was an application to construct a mixed use structure. The applicant was seeking use and bulk variances and site plan approval.

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**Approval of Minutes:**

Ms. Ryan offered a motion to approve the January 15, 2009 Zoning Board Minutes, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES:**        **Ms. Ryan, Mr. Fox, Mr. Gallagher, Mr. Kutosh, Mr. Mullen**  
**NAYES:**      **None**  
**ABSTAIN:**    **None**

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

The Meeting adjourned at 7:42 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**

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**ZB#2008-1      Blaskovich, Matthew  
Block 100 Lot 26.42, 42 Gravelly Point Road (R-2.03 Zone)  
Approved 4-3-2008**

The Board approved the application to add a second story addition and for the keeping of an existing shed and granted the following:

Variances Granted:

Front Yard -            2-feet, where 3 feet is required  
Rear Yard -             .3 feet, where 3 feet is required  
Building Coverage -    39.6%, where 35% is allowed  
Height Variance -      21.5 feet

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**ZB#2008-2      Pace, Vincent  
Block 34 Lot 2, 22 Prospect Street (R-1.01)  
PENDING**

Application to construct a new garage. A variance is needed to permit an accessory structure to be located in the front yard.

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**ZB#2008-3      Knox 400, LLC  
Block 108 Lot 2.01, 460 Highway 36 (H-O Zone)  
Withdrawn Nov. 2008**

This was an application for a two story addition to the existing building. The application proposed that the entire first floor and a portion of the second floor be used as a Health Fitness Club and that the second floor existing residential apartment remain. The applicant was seeking use variance for an expansion of a non-conforming use, site plan approval and variances for lot coverage and possibly parking.

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**ZB#2008-4      Wood, Thomas  
Block 26 Lot 9.02, 3. South Peak Street (R-1.01 Zone)  
Approved 9-4-2008**

The Board approved the application to remove existing front porch landing and to construct a new front porch of 10 feet by six feet.

Variances Granted:

Front Yard -            27 feet, where 35 feet is required

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**ZB#2008-5      Sendowski, Oren  
Block 43 Lot 6 – 30 Shrewsbury Avenue (WT-R Zone)  
Withdrawn 8-7-08**

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Application to demolish existing dwelling and construct a new one-family home. The application was seeking a use (height) variance.

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**ZB#2008-6      Lentz, Douglas  
Block 51 Lots 1 & 2, 3 Cornwall Street (WC-1 Zone)  
APPROVED 1-19-2009**

The Board approved the application to enclose the existing rear porch on the residential portion of the building to increase the interior living space. A use variance was granted for the expansion of a non-conforming use. Variances were granted for pre-existing conditions for lot coverage, lot width, lot depth, front yard, side yard. The following new variances were granted:

Variances Granted:  
Building Coverage -                    34.2%, where 25% is allowed  
Impervious Coverage -                90.3%, where 65% is allowed  
Use -                                        Expansion of non-conforming use

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**ZB#2008-7      Domagala, Karol  
Block 21 Lot 16.01, 90 Highland Avenue (R-1.01 Zone)  
PENDING**

Application to construct bi-level deck attached to the rear of the existing structure.