

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

Mr. Mullen called the meeting to order at 7:47 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 Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin.

ROLL CALL:

Present: Ms. Ryan, Mr. Anthony, Mr. Mullen, Ms. Tierney, Mr. Kutosh

Late Arrivals: Mr. Braswell arrived at 7:50 p.m.
Mr. Fox arrived at 8:00 p.m.

Absent: Mr. Britton, Mr. Gallagher

Also Present: Carolyn Cummins, Board Secretary
Debby Dailey, Deputy Clerk
Gregory Baxter, Esq., Board Attorney
Joseph May, P.E., Board Engineer

**ZB#2009-5 Bay One Nine, LLC
Block 38.01 Lot 13 – 19 Bay Avenue
Application Review & Set P.H. Date**

Present; T.R. Dempsey
Robert Dempsey

Conflicts: None

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

1. The Applicant must be represented by an Attorney.
2. The Applicant should familiarize himself with the Master Plan for the subject area.
3. The Survey and the Architectural Plans must match in terms of the calculations.
4. There is no rear yard because the property fronts streets on both sides. So the Applicant must seek variance relief for front yard on Shore Drive side.
5. Tax and Sewer Payment Status must be provided to the board.
6. The Applicant should provide testimony at the hearing about the proposed commercial use and if the business would be operated by owner or rented out.
7. The Board will be interested in hearing testimony about why the applicant is saving original building.

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8. The Applicant should have his Professional review the Master Plan with regard to the B-1 Zone verses the requirements. Board will be interested about the orientation of the building and the parking.
9. The Applicant should bring photographs of the subject site and its surroundings.
10. The Applicant must address the Storm Water Management.
11. The Applicant stated that he will have his Attorney and Richard Stockton present at his public hearing.

Ms. Tierney offered a motion to schedule this matter for a public hearing on December 3, 2009, seconded by Ms. Ryan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Braswell, Ms. Ryan, Mr. Anthony, Ms. Tierney, Mr. Kutosh, Mr. Mullen
NAYES: None
ABSTAIN: None

Approval of Minutes:

Ms. Ryan offered a motion to approve the September 3, 2009 Zoning Board Minutes with a correction on page one (Remove Joseph May, P.E., from being present under the roll call), seconded by Mr. Fox and approved on the following roll call vote:

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

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

The Meeting adjourned at 8:04 p.m.

CAROLYN CUMMINS, BOARD SECRETARY