

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
April 1, 2010**

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 Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present: Mr. Braswell, Mr. Fox, Mr. Gallagher, Mr. Mullen, Mr. Kutosh**

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

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

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**ZB#2009-6 Sendowski, Oren – Request for Postponement of P.H. to May 6, 2010  
Block 43 Lot 6 – 30 Shrewsbury Avenue**

Mr. Mullen stated that the Board received a letter from the Applicants Attorney requesting a postponement of this public hearing to the May 8, 2010 Zoning Board Meeting. There is also a letter from the Board Attorney regarding this application.

Mr. Baxter explained his letter regarding the issue at the last meeting about the question of which zoning requirements apply to this application because the chart in the zoning ordinance and the narrative in the zoning ordinance do not match for this zone. He feels that this property which is located in the WTR Zone is governed by the R-1.01 bulk requirements, which he further explained. He then read through Mr. McGann's letter requesting a postponement of this hearing to the May Meeting.

Mr. Kutosh offered a motion to carry the Sendowski public hearing to the May 6, 2010 meeting, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Braswell, Mr. Fox, Mr. Gallagher, Mr. Kutosh, Mr. Mullen**

**NAYES: None**

**ABSTAIN: None**

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**Approval of Minutes:**

Mr. Fox offered a motion to approve the March 4, 2010 Zoning Board Meeting Minutes, seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Braswell, Mr. Fox, Mr. Gallagher, Mr. Mullen, Mr. Kutosh**

**NAYES: None**

**ABSTAIN: None**

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**Communication:**

**Board Engineer Office Move**

Mr. Mullen stated that Mr. May has joined us this evening at his own expense because he was told that we didn't need him here this evening. He stated that it came to our attention at the last meeting that the firm that Mr. May was employed by CMX Engineering was disbanding and

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would be fully disbanded by May. He has certainly expressed an interest in continuing to represent this board and we have a contract with him for his services through the end of the year.

Mr. Baxter explained that the contract is with the individual and not with the firm. So we don't need to take any action because he was a duly appointed Engineer for the calendar year.

Mr. May explained that the new firm that he is employed with is Eastpointe so that will be the name on any vouchers. He explained that CMX has disbanded on March 12<sup>th</sup> and they have only kept open two offices. He has since joined up with two former coworkers of his that have started their own firm which he further explained. He stated that they are properly insured.

Mr. Baxter questioned Mr. May about professional service rates and if they were different than CMX.

Mr. May explained that the new rate are more competitive.

Mr. Baxter said that he just needs to submit a simple amendment to his contract by providing a new rate schedule, memo of change. He should also provide a copy of the certificate of insurance for his review.

The Board continued discussions with Mr. May about his move to a new firm.

Mr. Baxter also stated that with regards to CMX borough files, the Borough has all application files and CMX just has copies so there shouldn't be an issue with records.

Mr. Kutosh offered a motion to adjourn the meeting seconded by Mr. Gallagher and all were in favor.

The Meeting adjourned at 8:08 p.m.

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**CAROLYN CUMMINS, BOARD SECRETARY**