

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
December 2, 2010**

Mr. Mullen called the meeting to order at 7:40 P.M.

Mr. Mullen asked all to observe a moment of silence in honor of Mr. Harry Cefalo who recently passed away.

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

Mr. Mullen 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 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. Fox, Mr. Anthony, Mr. Mullen, Ms. Tierney, Mr. Kutosh

**Late Arrival:** Mr. Gallagher arrived to the meeting at 8:10 p.m.

**Absent:** Mr. Braswell, Ms. Ryan, Mr. Britton

**Also Present:** Debby Dailey, Deputy Clerk  
Greg Baxter, Esq., Borough Attorney  
Joe May, P.E., Board Engineer  
Marc Leber, P.P. for Board

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**ZB#2010-2 Metro PCS, New York, LLC – Request for Postponement to Jan. 6<sup>th</sup>  
Block 108 Lot 2.01 – 450 Hwy 36**

Mr. Mullen stated that the Board received a request from the Applicants Attorney requesting that this hearing be postponed to the January 6, 2011 Meeting.

Mr. Kutosh offered a motion to approve the request for a postponement of the Metro PCS hearing to the January 6, 2011 Meeting without the need for further notice, seconded by Mr. Fox and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Fox, Mr. Anthony, Ms. Tierney, Mr. Kutsoh, Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

Mr. Mullen advised the public that this hearing would be carried to the January 6, 2011 meeting.

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**ZB#2010-3 Quick Check Corporation  
Block 108 Lots 1 & 2.01 440/450 Navesink Avenue  
Hearing on New Business**

**Present:** Henry Kent Smith, Esq., Applicants Attorney  
Paul Drobbin, Esq., Attorney for Interested Property Owner  
Highlander Development Group

Mr. Smith stated that he is the representing Quick Check and he will be presenting to the board a bifurcated use variance application on block 108 lots 1 & 2.01. This property is located at the triangle of Ocean, Route 36 and Orchard Ave. Right now there are two buildings on lot which is the Dog House and on the other lot is the Stewarts Drive in. Quick Check is proposing to acquire both parcels and consolidate them into a single proposal that they are presenting to the board this evening, solely on the issue of the use.

Mr. Baxter stated that he has reviewed the public notice and notice to the property owners and finds them to be in order and properly served and so it is his opinion that the board has jurisdiction to proceed. It is his understanding that there are objectors being represented by Counsel.

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Paul Drobbin introduced himself to the board as an attorney representing Highlander Development Group who are an interested party.

Mr. Mullen then explained the hearing process to the public.

The following documents were marked into evidence this evening:

- A-1: Variance Application, 3 pages plus a disclosure statement;
- A-2: Rider to the Application, 3 pages;
- A-3: Certificate of Concurrence signed by both property owners;
- A-4: Use Variance Plan Set signed by Jeffrey Martell of Bohler Engineering, 3 Sheets;
- A-5: Traffic Assessment Letter Report dated November 5, 2010;
- A-6: Aerial Exhibit on Large Board dated;
- A-7: Route Variance Site Plan on large board;
- A-8: Large Photo on board of present site condition.
- A-8a: Large Photo on board of Same Site with proposed development on subject sites;
- A-9: Large Photo on board of existing site;
- A-9a: Large Photo on board of proposed development on subject sites;
- A-10: Large Photo on board of the existing rear of the Stewarts Building;
- A-10a: Large Photo on board of the proposed development view of rear of Stewart's site;
- A-11: Truck Turning Exhibit on large board;
- A-11a: Truck Turning Exhibit of gas delivery route;
- A-12: Dimensions /Survey – Control Point Assoc.
- B-1: Board Engineer Review Letter prepared by J. May dated 11/30/2010.

Mr. Smith explained that they are proposing a quick check convenient store freestanding that will have as part of its function the service of gasoline. Quick Chek is presently located two lots down from the subject site. We will be discussing with the board the relocation from that present spot to this new location. The property is located in the H-O Zone and under the Zoning Ordinance gasoline services is not specifically permitted and under the ordinance if the use is not specifically permitted then they are required to come before the Zoning Board for a D-1 Use Variance for a use that is not permitted in the zone. Tonight it is their intent to present an overview of this site as well as their concept plan. However, we are not yet ready to proceed with the site plan application itself because we first need to get the use variance. If we don't get the use variance then we are not going anywhere. So we wanted to bring this to the board to get the board to concur on the use at which point they will design a fully engineered site plan and come back here for site plan approval and that will be a statutorily condition for a bifurcated use variance. He has four witnesses that he will present this evening. He then called his first witness Frank Marciano.

Mr. Baxter swears in Frank Marciano located at Whitehouse Station, New Jersey.

Mr. Baxter then swears in Joseph May, P.E., of Eastpoint Engineering, Board Engineer and Marc Leber, Professional Planner for the board.

Mr. Marciano stated the following during his testimony and response to questions from the board:

1. He described his job with Quick Check as being a Real Estate Manager and his primary function is to seek new locations for development.
2. Quick Check has 125 locations. They operate in Central and Northern New Jersey and in the Hudson Valley of New York. Twenty Seven of those one hundred and twenty five locations are similar in the design in the application that is before the board this evening, where it's a convenient store with a gas component. The gas component becomes a necessary condition and provides for a one stop shopping opportunity for the folks in the neighborhood.
3. He stated that they have an existing facility and their desire would be to bring that up to a more updated facility which would increase the size of the convenient store to approximately 4,500 square feet plus the implementation of the gas facility.

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4. They sell grocery products they have food offerings, hot and cold sandwiches, soups, salads, coffee, cigarettes, atm machine. So what they are offering is a one stop shopping opportunity for the customer in the area.
5. They would also like this location because he believes that it provides an added benefit to the community as well as themselves in that this development will allow them the control of the maintenance and up keep of the facility. Where they are currently located now is a shopping center and we like to maintain control of maintenance ourselves.
6. The existing facility is open 24 hours a day and they would continue that.
7. They currently employ 12 employees and there would be an increase. They would hire with this type of proposed facility somewhere from 35 to 50 people from the local community.
8. Deliveries – facilities like this they typically have approximately five times a week one tractor trailer of gas fueling truck come to the facility. In addition to that they do have a dedicated loading zone for delivery on the plan for the smaller box trucks making deliveries. They have five or six smaller box truck deliveries per day, five times per week and then they have an additional tractor trailer about two times per week that delivers the milk products and frozen foods. They control the times of the delivery and how the deliveries actually accomplished.
9. The proposal is for four storage tanks so it helps limit the number of deliveries that we would have.
10. They design the facilities where it's spacious and it's easy to maneuver for the customers. So what he means that they design is spacious and safe. They have wider parking stalls so a customer can open their car doors.
11. In this facility they will provide for six indoor seats for people to sit down and eat for convenience of the customer. There will be no waiters or waitresses serving food.
12. They have 41 proposed parking stalls.
13. Security – a quick look at the design provides for a good site line from outside in the lot and inside the building there is a lot of glass. So there is a good opportunity to view the inside and outside from a security standpoint. They will always have one employee outside for the gas. He then spoke about adequate safety lighting for the site.
14. If the gas component is not approved then they would not proceed with new development.
15. They have a similar facility as the proposed on Route 36 in Hazlet which is very similar in terms of design even though it's much larger at Hazlet.
16. Fuel Deliveries – they can control it, it doesn't matter when because they have ample room on the plan to fuel and to not be obstructive to the customers on the site.
17. The proposed site will have a no fee automated teller machine.
18. He feels that the subject site is a perfect site for a convenient store and gas station facility.
19. We are not a destination business like a Home Depot, we primarily operate by pass by traffic and the local community. So the predominance of our business come from what is already there in terms of traffic.
20. The maximum number of employees that they would have at one time, peak time would be about 12 employees. We control where the employees park by designating spaces.
21. He would guess 65% of the employees would be part-time but he would assume that the economy would dictate that.
22. Again, they can control the delivery of gas and food items to the site.
23. Noise, the trucks shut off the engine when making deliveries.
24. They have several stores next to residents with no problems.

Mr. Drobbin then began his cross examination of Mr. Marciano.

Mr. Marciano stated the following during cross examination by Mr. Drobbin as follows:

1. He has been working for Quick Chek for about four years doing site selection work.
2. In choosing the subject sites, he looked at the merits of the physical location from a market perspective but he is aware that there was a previous gas station on the site.
3. He is aware of ongoing potential remediation by Exxon on the site.

Mr. Smith spoke about how Exxon Mobile in 2009 reported a discharge which actually generated a file. Exxon Mobile has done the preliminary investigation to determine the nature of what is the contaminants which has been determined to be a \_\_\_\_\_ and \_\_\_\_\_ which are both constituents of gasoline. They have also done a vertical analysis to determine the various depth

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of contamination, which he further explained. He then spoke about further Exxon testing of the site. He does not believe that the wells have been tested yet. They are waiting for those series of tests results. Obviously, they will not acquire this property and assume the property. They are not in the process of buying law suits. They are in the process of engaging in further investigation of the property to ascertain soil levels. They are in the process of working with Exxon so they can be assured that soil contamination levels have been appropriately and adequately dissolved so they don't encounter any soil issues. We are working with Exxon to complete their investigation. The use variance, if this board determines that this is not an appropriate use then they don't have to spend any more money. However, if this board blesses the use variance as part of the site plan then we want to make sure that our investigation is complete on the Environmental side.

Mr. Drobbin asked if there were be any environmental expert testimony.

Mr. Marciano continued his cross examination:

4. With regard to purchasing this property they have to be confident that Exxon is in the process of getting this cleaned up, which he further explained.
5. They will have more information to be confident to make a good business decision.

Mr. Gallagher arrived to the meeting.

Mr. Marciano continued his testimony during cross examination as follows:

6. He spoke about an existing communications cell tower monopole that is located on the Stewarts property. The cell tower will remain on the site as it currently exists.
7. He is aware of a pending application to increase the height of that cell tower.
8. He then spoke about an easement right for the cell tower.

Mr. Drobbin had no further questions for Mr. Marciano.

Mr. Mullen asked if there were any questions from the public for Mr. Marciano.

Candace Kowalewski of 1106 Highway 36, Atlantic Highlands questioned the negatives of the proposed project and the subject sites. She also questioned any potential air pollution, shading of exterior lighting

Mr. Marciano stated that he could not think of any negative effects. With regard to air pollution, and lighting their engineer can speak about these items

Ms. Kowalewski continued to question Mr. Marciano about the proposed Quick Check delivery schedule and noise and other items.

Mr. Marciano explained how they want to be good neighbors and how they plan to secure the site and customers..

There were no further questions from the public therefore Mr. Marciano was excused.

Mr. Smith then called up his next witness, Jeff Mortell of Bohler Engineering, 35 Technology Drive, Orange, NJ.

Jeff Mortell stated the following during his testimony and response to questions from the board:

1. He described his professional and educational background to the board as a licensed Civil Engineer. In terms of his professional engineering he has worked with Quick Chek and their design standards and he is fully aware of what they require for their design and operation standards, which he further explained.

Mr. Smith then stated that he would submit Mr. Mortell as a Professional Engineer, there were no objections.

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Mr. Mortell continued with his testimony as follows:

2. His role in this application is the site engineering. The site engineering plans that were presented are relatively conceptual. So his testimony tonight will be related to the some of the gas station elements as related to the use variance from a site engineering perspective, as well as express to the board some of the due diligence that they have done in terms of establishing that this site can meet the Quick Chek needs in terms of site design.
3. The hard engineering items pertaining to the storm water management, grading, landscaping and lighting we have not performed them yet and that would be part of the future site plan application.
4. He has been involved with about twenty five Quick Chek's and we will be employing a lot of the same design elements. So he may speak with a certain confidence and understanding of what Quick Check future design elements will be based on experience. Anything that he testifies tonight can be made a condition of an approval for the site plan application.
5. The subject property contains two lots which is 1.324 acres of land. He then described Exhibit A-6 which was an aerial exhibit. The existing coverage on the site is about 88% in terms of impervious coverage. There are currently four access cuts on Route 36 and an additional 3 on Ocean Blvd. The property in general slopes to the east. Adjacent to the west is a car wash and existing strip mall.
6. Exhibit A-7 was then marked into evidence which Mr. Mortell described. It is entitled a Preliminary Site Exhibit. This is essentially very similar to the use variance plan that was submitted to the board but he does want to mention that since the date of their submission additional investigation and some preliminary analysis in terms of the site circulations elements have been done. This Exhibit has been enhanced from what the board has seen with some of those design and analysis. As well as they did not have available to them the boundary and topographical survey at the time of submission. So since then a survey was performed and their concept was then overlaid onto that survey. So they were able to establish the lease area for the cell tower. The Quick Check proposed store is 4,543 square feet which six seats inside the convenient store. There are six fuel isles for a total of 12 fueling positions on the proposed plan 4,230 square feet. They also are proposing two outdoor seating table areas, each table having four seats for a total of eight outdoor seats. In terms of the parking layout, this plan has 39 spaces verses the plan that was submitted had 41 spaces. Reason being is we did our survey and title search they found that there is not only an existing lease area associated with the cell tower but there is also a small bump out for future expansion and that is an easement that currently exists, which he further described.
7. He stated that the Board is not approving any particulars this evening which pertain to the site plan elements. This plan that that he is showing shows that this site accommodates at a minimum 39 parking spaces. All of those parking stalls being 10 by 20 stalls.
8. The important part of his testimony and analysis to date is essentially to analyses this property from Quick Cheks perspective, to understand that it can accommodate the proposed use from a site engineering perspective.
9. In terms of the circulation around the canopy and the store in terms of design is that a drive isle is excess of 35 feet around the pump area, between the pump islands there is 28 foot drive isles. So that provides safe and efficient circulation for the customers, which he further described the circulation of the site.
10. The 39 parking spaces do not include the twelve pumping spaces.
11. In his opinion in terms of a site engineer perspective the site I think the uses are separate in some of the design elements but they act as one in terms of how the total customer experience is.
12. All gas payments will be taken at the pump by the pump employee.
13. They are picking a new spot to put the tanks so they are not located in the same location as the previous tanks.
14. The underground storage tanks, Quick Check does purchase and install the best equipment on the market which includes the double wall underground storage tank in terms of gas. There will be two twenty thousand and two twelve thousand gallon tanks for a total of four tanks. From there, there is double wall product piping which is a fiber glass piping from the underground storage tanks to the pumps. In terms of some of the finer elements of the monitoring of the safety equipment that goes on with that, essentially there are four major requirements when it comes to State and Federal regulations. The first of which is the

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monitoring, he then explained Quick Checks monitoring system. So each station is monitored locally and at the corporate headquarters.

15. Lighting – they use all flush mounted cut off fixtures and the purpose of the cut off is that there is no light spillage over 90 degrees from the lights, which he further described.

They are required to have a .2 foot candle foot onto the State right of way. He continued to further described lighting. He also stated that he would not recommend a dual lighting system.

16. Outdoor Cameras – a large part of the security operation is to have exterior cameras. He believes that there are a total of about 25 indoor and outdoor cameras on site. So in order for the cameras to be an effective safety measure the lights are a critical element.

17. Impervious Coverage – under existing conditions its approximately 88% impervious coverage and this plan call for a shade under 70% so that represents a reduction. He then spoke briefly about landscaping.

18. Exhibits A-8 through A-11 were all marked into evidence. They are before and after photos from three critical locations to show how the site would eventually look, which he further described.

19. They have enhanced the plan from what was originally submitted based on some truck turning analysis, which he further described.

20. The largest vehicle that would deliver to the store is approximately two tractor trailers per week, which he further describe delivery trucks and site circulation.

21. Landscaping Screening – he spoke about greenery being place throughout the parameter of the site.

22. With the reduction of the impervious coverage, that's the best thing you can do in terms of storm water management. So we will meet the water quality standards of the State and the Borough.

23. We will be requesting some variances such as a front yard setback and also some design waivers.

24. He explained that the gas tanks are set inside of a tank with regard to leak protection. He further spoke about leak monitoring and prevention.

25. He answered some questions about gasoline customer payments.

26. Negative Impacts – he explained some of the negative impacts of these types of facilities are things like noise and lighting. He believes that with proper design of this facility they can develop it without any negative impacts. He does not see from an engineering perspective any negative impacts.

27. They will install a water quality unit for the purpose of water and oil separation even though it's not required. This would be an on-site system and we would put it through a water quality unit before any discharge.

28. He further described the tank monitoring system with regard to detecting leaks.

29. Highland Tanks is the predominant manufacturer of the tanks. The warranty life of the tanks is twenty five years.

30. Outside Agency Approvals – they have submitted an application for a jurisdiction of determination to the DEP under the CAFRA regulations and they expect an exception for that so they don't believe they will need further approval. They will need a DOT access permit, which will include drainage approval. They will need Soil Conservation Approval. The way the gas operation works, they don't need a permit from the State to install the tanks but before we can operate we need to register it with all of the equipment numbers and product information that has been installed. They also obtain an air quality permit. He then spoke about air quality discharge and he further described discharge.

31. He explained that the permit or requirements for installation of the tanks. He then spoke about inspections.

32. They would not be proposing any dimming of the light system. There is an engineering recommended standard on the candle foot of the lighting.

33. They relocated the refuse area because of the turning movement of the site.

34. He does not anticipate any storm water design to impact the parking.

35. Public Restrooms are available for all customers. There are two male and two female facilities that are separate and ADA compliant.

Mr. Drobbin began his cross examination of Mr. Mortell.

Mr. Mortell stated the following during cross examination by Mr. Drobbin:

1. Yes, NJDOT has certain jurisdiction over the front of the property on Route 36.

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2. They have not made application to NJDOT.
3. Ocean Blvd is under local jurisdiction.
4. This Use Variance Application is the only application that they have made with the exception of the jurisdictional determination that they made.
5. He anticipates based on the proposed use improvements such as curbing and restoration of right of way areas and extra sidewalks may be needed.
6. They will work with the local officials regarding the strength of the roadway with regard to the trucks on Ocean Blvd to determine if anything is needed.
7. Circulation Pattern is shown in exhibits A-11 and Exhibit A-11a. He then described and showed where the tractor trailers will enter and exit the property. They would enter off of Ocean Blvd and exit off of Route 36, which he further described.
8. They are not counting the spaces at the pump station in their parking calculations.
9. Exhibits A-10 and A-10a – he explained how he created these two exhibits. He stated that the cell tower is out of the view shed of the exhibits.
10. They do not have rights to put anything in the cell tower easement area. He then showed the location of the cell tower easement area by marking it blue on Exhibit A-7.
11. They would not have any objection to installing a row of evergreen trees on the outside of the property if they were allowed.
11. Exhibit A-12 was marked into evidence which is a Survey. He then spoke about the cell tower easement area.
12. He does not know off the top of his head who the owner of the easement is.  
Mr. Smith stated that T-6 Unison Site Management, LLC is the owner of the easement.
13. The survey crew represented that they could not get access to the cell tower easement area.
14. None of the other Quick Chek sites have a monopole on the site.
15. He does not see the monopole impacting the site design in any way.
16. With regard to the 39 parking spots, they did not designate any to the cell tower.
17. He has not had any direct conversations with the cell tower people about what they need in terms of parking and access requirements.
18. If they were to screen the cell tower for the neighbors to the north he explained that there is not much of an opportunity to do so but most likely the best screening would be off site which is not in their control.
19. He explained that prior to the review of the title report they made the assumption that it cell tower area was an area that was improved today, the fenced in area. After review of title they realized that in addition to that area there is an additional area that is part of that easement. So upon review of the title report we made that discovery. He then described the dimensions of the easement area.
20. Quick Check will own and operate the entire site.
21. The State has a maximum light spillage over the curb line of 0.2 foot candles. He is not aware of any requirements on the Ocean Blvd side but they would design the lighting in unison.
22. Noise of the HVAC units – Exhibit A-10 shows a wall on the roof designed to contain the noise and visibility the HVAC Equipment. They will meet the noise requirements in terms of the HVAC equipment.
23. He then explained that the Gas Delivery trucks do turn off their engines during deliveries which is required by law. The store delivery trucks do have a refrigeration in them and they deliver between the hours of 6AM and 10PM for the purpose of making sure that we meet the noise requirements.
24. There is no light spillage from the lights on the building.

The Board took a brief recess at 10:00 P.M.

Mr. Mullen called the meeting back to order at 10:09 P.M.

**ROLL CALL:**

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

**Absent: Mr. Braswell, Ms. Ryan, Mr. Britton**

Mr. Drobbin continued with his cross examination of Mr. Mortell.

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Mr. Mortell continued to state as follows:

25. There are four underground tanks on the property and they are located on the northerly side of the property. He stated that they are not locating them in the same location as the existing tanks, which he further described.

26. They are waiting for some acknowledgment from DEP as to what the future course of action will be in terms of that contamination.

Mr. Smith explained that remedial action work plan is simply an approved plan to address any remedial action required by the State. The execution of that plan may take a longer period of time. So they simply want to understand what the remedial action work plan will be before we decide to make an investment of the construction of this property. They don't control the timing of that execution of that plan and they won't be the performers of such action. They would need to have in place some sort of agreement with Exxon Mobile as to what needs to be done on the property and where it is to be done and if there is some invasive work required such as wells or soil removal, etc., that we will have reviewed and approved both the location of those items as well as the nature of the work. So you really have a motivated applicant in terms of making sure that this is going to get done and be done quickly and right.

27. He stated that Mr. Drobbin had asked about any scope of improvement that he anticipated on Ocean Blvd and he mentioned sidewalks amongst other improvements.

28. He feels that in this case sidewalks do make sense which he further spoke about.

29. Noise level testing on the property line is not typical for a site plan application, its primary a burden on the Architect as it relates to a building permit.

30. The variances are outlined in the board engineer's letter.

31. He then spoke about the layout of the plan.

Mr. Smith stated that he will provide a copy of the title easement to Mr. Drobbin as he requested.

Mr. Mullen then asked if there were any questions from the public for Mr. Mortell.

Ms. Kowalewski questioned the location of the gas station and runoff water and how will groundwater be prevented from contamination.

Mr. Mortell described the process and system.

Ms. Kowalewski question evergreen trees.

Mr. Mortell said the evergreen trees that he spoke about were to shield certain areas of the site. They would work with the board on any type of landscaping.

Ms. Kowalewski questioned the location of her house from the gas pump.

Mr. Mortell referred to Exhibit A-6, its about 120 feet from closest pump.

Ms. Kowalewski questioned security cameras and the location of her house.

Mr. Mortell explained that her house would not be in the camera range.

There were no further questions from the public so Mr. Mortell was excused.

Discussions occurred with regard to scheduling the continuation of this hearing.

Mr. Kutosh offered a motion to carry this hearing to the January 6, 2011 Zoning Board Meeting with no further public notice and that they be placed first on the agenda, seconded by Mr. Fox and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**Review of 2010 Zoning Board Annual Report**



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The Board reviewed and briefly discussed the following report:

**2010 ZONING BOARD ANNUAL REPORT**

Prepared by Carolyn Cummins, Board Secretary  
Date: November 23, 2010

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**ZB#2009-5 Bay One Nine, LLC  
Block 38.01 Lot 13, 19 Bay Ave  
Approved 3/4/10**

Application to add a second-story addition and enlarge the first floor. Approval for preliminary and final site plan approval was granted to permit construction to add a second story addition for office use, and retrofit the first floor with an addition for use as bike shop.

Note: Application originally required use and bulk variances but borough changed zoning ordinance which resulted in the application being in compliance and not needing variances.

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**ZB#2009-6 Sendowski, Oren  
Block 43 Lot 6. 30 Shrewsbury Avenue  
Application Withdrawn – Dismissed Without Prejudice**

Application was to demolish the existing home and construct a new home requiring several variances. After beginning the hearing the application was withdrawn by property applicant.

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**ZB#2010-1 Parzych, Edna  
Block 61 Lot 13.011, 216 Navesink Avenue  
Approved 7/1/10**

Application - Property contained a two-family home and the application was to remove an existing second-story deck and replace it with a deck of 8 feet by 16 feet; and further expand the deck to the west of the existing structure at a size of 24 feet by 16 feet.. The board granted a use because 2-family homes are not permitted in the zone, so this application is to expand a pre-existing non-conforming use. Bulk variances were granted for preexisting conditions: lot depth of 76.2 feet, where 100 feet is required; front yard setback of 19.58 feet, where 20 feet is required; side yard setbacks of 5 feet and 5.5 feet, where 6 feet and 8 feet are required. The preexisting deck is 1.16 feet from the rear property line, which is a preexisting non-conformity., where a 20-foot rear yard setback is required.

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**ZB#2010-2 Metro PCS NY, LLC  
Block 108 Lot 2.01, 450 Navesink Ave  
PENDING**

Application for an increase of about 50 feet in height to the existing monopole on the Stewart's property. The hearings on this application, but have not concluded.

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**ZB#2010-3 Quick Check,  
Block 108 Lots 1 & 2.01, 440 & 450 Navesink Ave  
PENDING**

Application for a convenience store and gas station.

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Mr. Mullen stated that he did not see any need for recommendations for modifications of the zoning ordinance.

Mr. Baxter explained the corrections that were made and how the above reference report contain the corrections in it.

Mr. Kutosh offered a motion to accept the above referenced 2010 ZB Annual Report and to forward to Governing Body, seconded by Ms. Tierney and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** None

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**Approval of Minutes:**

Mr. Fox offered a motion to approve the November 4, 2010 Zoning Board Meeting Minutes, seconded by Mr. Ms. Tierney and all eligible were in favor. Mr. Gallagher abstained.

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

The meeting adjourned at 10:59 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**