

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
April 7, 2011**

Mr. Gallagher called the meeting to order at 7:34 P.M.

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

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

**ROLL CALL:**

**Present:** Ms. Ryan, Mr. Anthony, Mr. Gallagher, Mr. Britton, Mr. Knox,  
Mr. Kutosh, Mr. Cervantes

**Absent:** Mr. Fox, Mr. Braswell

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

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**ZB#2010-2 Metro PCS, New York, LLC  
Block 108 Lot 2.01 – Hwy 36  
Public Hearing on Unfinished Business**

Mr. Baxter explained to the board that the applicant has requested a one month adjournment because the applicant is in negotiations with Eastpointe to place the antenna there rather than the monopole. These negotiations have been going on for some time. If they make a deal then they will abandon this case and come back with a plan for that place.

The board briefly discussed the request for a one month adjournment.

Mr. Baxter stated that he would like an Eastpointe Board Member to appear to testify before the board to determine if they are interested in renting space. He requested authorization to issue a subpoena to the Eastpointe Condo Board President.

Discussions continued.

Mr. Kutosh offered a motion to approve the applicants request to adjourn this hearing to the May 5<sup>th</sup> meeting without the need for further notice, seconded by Ms. Ryan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Anthony, Mr. Gallagher, Mr. Britton, Mr. Kutosh

**NAYES:** None

**ABSTAIN:** None

Mr. Kutosh offered a motion to authorize the Board Attorney to issue a subpoena to the President of the Eastpointe Condo Association or any other authorized representative, seconded by Ms. Ryan and approved all were in favor.

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**Zoning Ordinance O-07-07**

Mr. Baxter spoke about the recent court decision that overturned the Borough's Zoning Ordinance Amendment O-07-07. Therefore the ordinance is invalidated so the Borough can redo the ordinance or do nothing.

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**Approval of Minutes**

Ms. Ryan offered a motion to approve the March 3, 2011 Zoning Board Minutes, seconded by Mr. Kutosh and all eligible members were in favor. Mr. Cervantes abstained.

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Ms. Ryan then offered a motion to adjourn, seconded by Mr. Kutosh and all were in favor.

The Meeting adjourned at 7:46 P.M.

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**Carolyn Cummins, Board Secretary**