

Mr. Mullen offered a motion to move on the adoption of the following Resolution:

**RESOLUTION DENYING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF
WILLIAM H. JOHNSON, BLOCK 40, LOT 5**

WHEREAS, the applicant William H. Johnson, hereinafter referred to as the applicant is the owner of the property known as Block 40, Lot 5 on the Highlands Borough Tax Map, which property is located in the R-B Zone; and

WHEREAS, the applicant has applied for a two lot, Minor Subdivision with variances. The applicant proposes to subdivide the above captioned property into two lots and ultimately construct on proposed lot 5.02 a single family residence. A single family residence exists on proposed lot 5.01. The variances required were as follows;

1. Lot 5.01. A front yard setback of 7.1 feet whereas 35 feet is required. A side yard setback of 7.6 feet whereas 8 feet is required. A building height of 30.7 feet whereas 30 feet is the maximum permitted. All of these conditions are pre-existing in nature. This lot has frontage on New Jersey State Highway Route 36.
2. Lot 5.02. A variance or waiver from N.J.S. 40:55D-35, which prohibits the issuance of any permit for the construction of any building unless the lot upon which the building is to be located abuts a street giving access to the building. Due to the proposed lot being located on a "steep slope" as that term is defined in the Borough Ordinances access from Shore Drive is physically impractical. Therefore the applicant proposed an easement for access over lot 5.01 to lot 5.02.

WHEREAS, all jurisdictional requirements have been met and proper notice has been given pursuant to the Municipal Land Use Act and Borough ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a number of public hearings and voted to deny the application at the June 8, 2006, meeting of the Board; and

WHEREAS, the Board heard the testimony of the applicant, William Johnson, his engineer Richard E. Stockton and the arguments of Counsel; and

WHEREAS, property owners within 200 feet of the subject property voice their objections to the application on the record; and

WHEREAS, the applicants submitted into evidence a number of documents including a Subdivision Map prepared by Richard E. Stockton dated February 24, 2005 which was entered into evidence; and

WHEREAS, the Board after considering the evidence and testimony presented on behalf of the applicants and the interested citizens if any has made the following findings of fact and conclusions based thereon:

1. The property is located in the R-B Zone, which permits the construction of single-family homes.
2. The variance requested for proposed lot 5.02 is substantial in nature since access to this lot from Shore Drive is not possible due to the severity of the slope and on-site parking access from Shore Drive is impossible as well.
3. Previous subdivisions on the block fronting on Shore Drive and Route 36 have had developable land above and below the steep slope and have met the direct access and parking requirements of the Borough.
4. The easement on lot 5.01 would effectively reduce the useable area of that lot to 4,500 square feet.
5. Borough Ordinance 21-65 L requires that all lots be suitable for their intended uses and where necessary be increased in size to compensate for conditions such as steep slopes, rock formations and flood conditions. Due to the existing steep slope conditions on the site it is not suitable for a subdivision.
6. Borough ordinances also require that all lots in the Borough have frontage on an improved street.

WHEREAS, the Board determined that the relief requested by the applicant could not be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Borough of Highlands for the aforementioned reasons; and

WHEREAS, this resolution shall memorialize the Board's action taken to deny the proposed subdivision and variances at the public meeting held on June 8, 2006;

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for a two-lot subdivision and variances by William H. Johnson for the above captioned property is hereby denied for the reasons aforementioned herein.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski

NAYES: None

ABSTAIN: None

DATE: August 10, 2006

CAROLYN CUMMINS, Board Secretary

I certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on August 10, 2006.

Carolyn Cummins, Board Secretary