

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

**RESOLUTION APPROVING THE MINOR SUBDIVISION  
AND VARIANCE APPLICATION OF GREGORY CATSAROS, BLOCK 14,  
LOT 3.01**

WHEREAS, the applicant referred to above is the owner of the above mentioned lot, which is located in the R-1.01 Zone; and

WHEREAS, the applicant has applied for a two (2) lot Minor Subdivision with variances. The applicant proposes to subdivide the above captioned lot into two new lots, one containing an existing single family residence and one vacant for future use for a single family residence; and

WHEREAS, variances and/or waivers required are as follows:

1. Proposed lot 3.011. A front yard setback of 34 feet where 35 feet is required.
2. Borough Ordinance 21-65 requires curbing to be installed on the existing lot frontages. The applicant has requested a waiver from this requirement.
3. The applicant requires relief from the requirements of the Borough Steep Slope Ordinance.
4. The applicant requires relief from the setback requirements for the retaining walls.
5. The applicant requires a variance for lot coverage for terraces with walls; and

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 public hearings and decided the matter at the June 8, 2006, meeting of the Board; and

WHEREAS, there was extensive questioning of the applicant's witnesses by Rachael Stockton as well as direct testimony of Mrs. Stockton on the detrimental effects of the project on erosion and drainage in and around the site and the site engineering details and based thereon she was opposed to the project; and

WHEREAS, the Board after considering the evidence and testimony presented by the applicant and the interested citizens has made the following findings of fact and conclusions based thereon:

1. The property is located in the R-1.01 Zone.
2. The variance(s) requested are due to the shape, size and topographical conditions at the subject property.

3. The new lots will be in compliance with the applicable bulk provisions of the Borough Zoning Ordinance with the exception of the variances and/or waivers requested above.
4. The applicant has agreed to comply with the outstanding conditions and requirements if any, set forth in the T&M letter dated April 12, 2006, which is incorporated herein in full.
5. The areas of "steep slope" will be substantially located within the expanded footprint of the original house and the new driveway access to the proposed new vacant lot.
6. Due to limited areas of "steep slope" there is no substantial issue of soil stability at the site.
7. The applicant is not relieved from providing the final grading plan that is required by the Borough Ordinances for developing "steep slopes" to the Board Engineer for her review and approval.
8. Site drainage onto the existing street is a critical issue to any development on this street and must be addressed by the applicant to the satisfaction of the Board Engineer prior to and during the development process of this site.
9. The applicant agreed to comply with additional conditions set forth hereinafter.

WHEREAS, the Board determined that the relief requested by the applicant can 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 and that the variances are necessitated by the site conditions consistent with the criteria set forth in NJSA 40:55D-70c.

WHEREAS, the Board after considering the testimony and exhibits has found the proposed subdivision plan and variances to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for a two lot minor subdivision and variances is approved contingent upon the following conditions being met;

1. All testimony, evidence and representations made by the applicant and its witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant will adhere to the findings of fact set forth above. The final plans for the project must contain the correct name, address and contact information of the applicant.
4. The applicant agrees to enter into a Developers Agreement with the Borough, if required to do so by the Borough.
5. If required by law, the approval of the application by the Monmouth County Planning Board and compliance with any conditions imposed by said Board. The applicant shall also file the appropriate application documentation with the Freehold Soil Conservation District for the project in addition to any other agency having jurisdiction over the project.

6. Expiration or removal of any moratorium imposed on the construction of the project by any County or State Agencies if any.
7. The applicant agrees to perfect the subdivision by Deeds. Said Deeds must be submitted to the Board Engineer and Attorney for review and approval and must further be recorded within the time provided within the Land Use Act.
8. The applicant will submit revised plans showing a revision to the driveway grading in order to avoid cars “bottoming out” at the driveway entrance. Said plans shall be submitted to the Board Engineer for her review and approval.
9. The revised plans shall also indicate that the front retaining wall(s) will be revised to the maximum height permitted by the ordinance in the area of the new driveway and be further modified to provide the appropriate site distances along Grand Tour. These modifications shall also be subject to the review and approval of the Board Engineer.
10. The revised plans shall also indicate the corrections to the drainage around the patio areas as well as illustrate the reduced height of the retaining walls consistent with the testimony at the hearings. The plans shall also indicate the protection of the tops of the retaining walls with guards or fences as may be required and the on-site water management systems for roofs and terraces in order to mitigate the site runoff onto Grand Tour. All of the foregoing shall be subject to the review and approval of the Board Engineer.
11. The applicant shall comply with numbers 4, 7 and 8 of the findings of fact set forth above.
12. The applicant is not relieved from the requirement of curb installation at the front of each lot unless the Board Engineer deems the curbs to be detrimental to the area.
13. Consistent with the other applications approved along Grand Tour, where sidewalks are not practical, the applicant shall contribute to the Municipal Sidewalk Fund as directed by the Borough Engineer.

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

**ROLL CALL:**

**AYES:** Mr. Kovic, Mr. Mullen, Mayor O’Neil, Mr. Schoellner, Mr. Cefalo

**NAYES:** None

**ABSTAIN:** None

**DATE:** August 10, 2006

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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.

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Carolyn Cummins, Board Secretary