

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

**RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF THOMAS J. REED, BLOCK 92,
LOT 8**

WHEREAS, the applicant referred to above is the owner of the above mentioned lot, which is located in the R-2.01 Zone; and

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

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

1. Proposed lot 8.01. The existing single family structure has a front yard setback of 10.4 feet, whereas 12.7 feet is required pursuant to the applicable Borough Ordinance based upon the average front yard setback for the contiguous 14 properties.
2. Proposed lot 8.01. The existing accessory structure has a rear yard setback of 2.1 feet, whereas 3 feet is required pursuant to the applicable Borough Ordinance; 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 hearing held on July 13, 2006; 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-2.01 Zone.
2. The variance(s) requested are due to pre-existing conditions that are not affected by this application.
3. The new lots will be in compliance with the applicable bulk provisions of the Borough Zoning Ordinance with the exception of the variances requested above.
4. The applicant has agreed to comply with the outstanding conditions and requirements if any, set forth in the letters of the Board Engineer dated June 2, 2006 and July 13, 2006, which are incorporated herein in full; and

WHEREAS, the Board determined that the variance requested are de minimus and 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. If denied the applicant would suffer a "hardship" as defined in NJSA 40:55D-70c; and

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.
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.
6. 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.
7. The applicant will comply with all of the outstanding recommendations and conditions if any, set forth in the letters of the Board Engineer dated June 2, 2006 and July 13, 2006.

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

ROLL CALL:

Ayes: Mr. Manrodt, Mr. Kovic, Mr. Cefalo

Nays: 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