

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

**RESOLUTION APPROVING THE AMENDED MINOR SITE
PLAN AND VARIANCE APPLICATION OF CHRISTOPHER AND
ANNE OSBORN, BLOCK 58, LOT 26**

WHEREAS, the applicants Christopher and Anne Osborn are the owners of property known as Block 58, Lot 26 on the Borough of Highlands Tax Map, which property is located at 164 Bay Avenue, Highlands, New Jersey and is located in the B-2 Zone; and

WHEREAS, the applicants have previously applied for preliminary and final minor site plan approval with variances for the purpose of converting an existing single family dwelling into a mixed use structure containing commercial space on the first floor and a residence on the second floor. The variances required were as follows:

1. Pursuant to the Borough Zoning Ordinance the applicants are required to have five (5) on-site parking spaces and the applicants are proposing three (3) on-site spaces.
2. The Borough Zoning Ordinance requires a minimum side-yard setback of five (5) feet and the applicants are proposing a 1.12 foot setback which is pre-existing; and

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

WHEREAS, the Board considered this application at a public hearing held on October 13, 2005; and

WHEREAS, the Board heard the testimony of the applicants and reviewed a Site Plan prepared by Arthur Lutzker, a licensed Planner and Architect in New Jersey, which Plan was entered into evidence on behalf of the applicants; and

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

1. The property is located in the B-2 Zone.
2. The variances requested are minor in nature since the conditions which necessitate variances are basically preexisting.
3. The applicants would suffer a true hardship if the variances requested were denied; and

WHEREAS, the Board determined that the relief requested by the applicants could 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

WHEREAS, the Board after considering the testimony and exhibits found the proposed minor site plan and variances to be acceptable with conditions; and

WHEREAS, the Planning Board of the Borough of Highlands approved the application for preliminary and final minor site plan and variances 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 shall comply with all of the outstanding comments and conditions if any set forth in the Board Engineer's letter dated October 11, 2005, which is incorporated herein by reference thereto.
4. The applicant agrees to post performance bonds and/or inspection fees as determined by the Borough Engineer if any.
5. The applicants will obtain the approval of the Monmouth County Planning Board for the project if required by law.
6. The applicants will obtain the approval of the Highlands Regional Sewerage Authority for the project if required by law; and

WHEREAS, pursuant to condition #5 above the applicants applied to the Monmouth County Planning Board for approval of the project and County Planning Board required the applicants to provide two on-site parking spaces versus the three that were approved by this Board, which resulted in a new variance for an on-site parking deficiency of three spaces; and

WHEREAS, the County Planning Board also required the applicants to convey or dedicate five feet along the front of the property to the County for a future right of way for the street; and

WHEREAS, the foregoing resulted in the applicants reapplying to this Board for an amended approval which was noticed for and heard on February 9, 2006.

NOW THEREFORE BE IT RESOLVED that the application for amended site plan approval and variances is hereby granted subject to the applicants complying with outstanding conditions of the prior approval if any, that are not affected by this approval and the applicant making the appropriate financial contribution to the Borough parking fund for the deficient parking spaces at the subject premises.

BE IT FURTHER RESOLVED that the applicant voluntarily agreed to have property markers installed in order to clearly identify the boundary line between the applicants property and the contiguous Sloan property.

Seconded by Mr. Kovic and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mr. Mullen, Mr. Urbanski, Mr. Gilson, Mr. Cefalo,
Mr. Stockton

NAYES: None

ABSTAIN: None

DATE: March 9, 2006

CAROLYN CUMMINS, Board Secretary

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on March 9, 2006.

Board Secretary