

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

RESOLUTION DENYING THE THREE LOT MINOR SUBDIVISION
AND VARIANCE APPLICATION OF
ARJIKA PROPERTIES, INC., BLOCK 78, LOT 7; 7 MARINE PLACE, HIGHLANDS,
NEW JERSEY

WHEREAS, the applicant Arjika Properties Inc., hereinafter referred to as the “applicant” is the owner of the above captioned which property is located in the R-2.01 Zone; and

WHEREAS, the applicant has applied for a three lot, Minor Subdivision with variances. The applicant proposes to subdivide the above captioned property into three lots and proposes to construct a single-family residence on each lot. The variances required are as follows;

1. Proposed Lot 7.01.
 - a. Lot area of 1,875 square feet where 3,750 square feet is required.
 - b. Lot frontage of 25 feet where 50 feet is required.
 - c. A front yard setback of 15 feet where 20 feet is required.
 - d. A side yard setback of 4/3 feet where the minimum required is 6/8 feet.
 - e. Building coverage of 34.8% where 33% is the maximum permitted in the zone.
 - f. Side yard setback for the rear deck at 4/3 feet where 3 feet is required.
 - g. Side yard setback for the front deck at 4/3 feet where 3 feet is required.

2. Proposed Lot 7.02.
 - a. Lot area of 3,705 square feet where 3,750 square feet is required.
 - b. Lot frontage of 37.5 feet where 50 feet is required.
 - c. Lot depth of 68.15 feet where 75 feet is required.
 - d. A front yard setback on Marine Place of 19.75 feet where 20 feet is required (or the average of the existing front yard setbacks within 200 feet of the subject property in the same zone and block).
 - e. A front yard setback of 19.95 feet on Barberie Avenue where 20 feet is required (or the average of the existing front yard setbacks within 200 feet of the subject property in the same zone and block).
 - f. A side yard setback of 6/4.5 feet where 6/8 feet is required.
 - g. Building coverage of 39.25% where the maximum permitted is 33%.
 - h. Front yard setback for the front porch on Marine Place of 19.95 feet where 20 feet is required.
 - i. A side yard setback for the front porch of 6/4.5 feet where 6/8 feet is required.

3. Proposed Lot 7.03.
 - a. Lot area of 3,714 square feet where 3,750 square feet is required.
 - b. Lot frontage of 37.5 feet where 50 feet is required.

- c. A front yard setback of 19.95 feet where 20 feet is required.
- d. A side yard setback of 6/4.5 feet where 6/8 feet is required.
- e. Building coverage of 39.35% where the maximum permitted is 33%.
- f. Front yard setback for the front porch of 19.95 feet where 20 feet is required.
- g. A side yard setback for the front porch of 6/4.5 feet where 6/8 feet is required; 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 Highlands Municipal Land Use Board considered this application at a public hearing held on May 9, 2018; and

WHEREAS, the Board heard the testimony of the applicant's construction manager Christopher Ruby and a principal of the applicant, Bikram Arora and the project engineer and planner, Richard E. Stockton and the arguments of Counsel; and

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

WHEREAS, the applicant submitted into evidence a number of documents including a Subdivision Map prepared by Richard E. Stockton; and

WHEREAS, the Board after considering the evidence and testimony presented on behalf of the applicants 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, which permits the construction of single-family homes.
2. The property presently contains a single structure containing 5, one - bedroom units that is a nonconforming use in the zone.
3. The property sustained a large amount of damage in super storm Sandy.
4. There are many variances requested and if granted would cause an overcrowding of the property and have a substantial negative impact on the residents of the immediate area or neighborhood.
5. The variances requested if granted would be a substantial deviation from the zoning ordinance requirements and be contrary to the provisions of the recently adopted Borough Master Plan that relate to lot sizes in the zone and the express provisions of the Master Plan that provides for limiting new development and infill development that increases the intensity of neighborhood land and property use.
6. The Board finds from the totality of the testimony submitted on behalf of the applicant that the variances are motivated more by economic returns than facts relating to the land in question.

7. The Board finds that the testimony of the planner does not support the deviations in the zoning ordinance and Master Plan provisions; and

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 Master Plan and zoning ordinances 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 the date first mentioned above.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application for the three (3)-lot subdivision and variances submitted on behalf of the applicant for the above captioned property is hereby denied for the reasons set forth herein.

Second by Mr. Knox and adopted on the following roll call vote on August 8, 2018.

Ayes: Mayor O'Neil, Chief Burton, Councilman Braswell, Mr. Colby, Mr. Francy, Mr. Gallagher, Mr. Knox, Mr. Nolan

Nays:

Abstain: Mr. Stockton



Vice Chairman

I certify this to be a true copy of the Resolution adopted by the Borough of Highlands Municipal Land Use Board on August 8, 2018.



Nancy O'Neil, Board Secretary