

Mayor Nola offered a motion to move on the adoption of the following Resolution:

RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF JNC RENTAL PROPERTIES, LLC, BLOCK
54, LOT 23; 15 MILLER STREET, HIGHLANDS, NEW JERSEY

WHEREAS, the applicant referred to above is the owner of the above mentioned lots, which are located in the R-2.02 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. Proposed lot 23.01 will contain an existing single family residence that will be renovated and elevated and proposed lot 23.02 will have a new single family home constructed thereon; and

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

1. Proposed lot 23.01.
 - a. Lot area of 3,465 square feet where 4,000 square feet is required.
 - b. Lot frontage of 42 feet where 50 feet is required. This is a pre-existing condition not affected by this application.
2. Proposed lot 23.02.
 - a. Lot area of 3,578 square feet where 4,000 square feet is required.
 - c. Lot frontage of 45 feet where 50 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 Board considered this application at public hearing held on July 14, 2016; 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-2.02 Zone.
2. Existing lot 23 has a single family residence and a shed. The existing house will be renovated and elevated and the shed will be demolished by the applicant.
3. The subdivision is for two new lots.
4. There are pre-existing non-conforming zoning bulk deficiencies not affected by this application that cannot be abated by the applicant.

5. The front yard setback for the existing dwelling and any new dwelling will be consistent with the existing front yard setbacks of dwellings within 200 feet of the subject property.
6. The proposed lot areas are consistent with other properties within the immediate area or neighborhood.
7. The Board accepts the testimony of the applicant's Professional Land Surveyor and Planner, Richard Stockton that the site is suitable for the proposed lot configuration and proposed uses and that there will not be any substantial detriment to the zoning and development ordinances and the Borough Master Plan as a result of the subdivision and the variances.
8. The Board also finds that the proposed subdivision and variances will not result in any substantial detriment to the neighborhood in which the property is located.
9. The Board finds that the variances are necessitated by the shape, size and lot conditions; and

WHEREAS, the Board determined that the variances 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 N.J.S.A. 40:55D-70c; and

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

NOW THEREFORE BE IT RESOLVED by the Land Use 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. The applicant shall obtain outside agency approvals from the agencies listed in the Board Engineer's report dated July 7, 2016.
6. The reciprocal easements between the subject lots must be set forth in writing (Deeds and/or easement agreements) and be recorded with the subdivision map or Deed(s).
7. The applicant must submit the subdivision map or Deeds and easement agreements and to the Board Engineer and Attorney for their review and approval before they are recorded.
8. The applicant will comply with all of the outstanding recommendations and conditions set forth in the report by the Board Engineer dated June 7, 2016 which report is adopted herein in full by reference thereto.

Seconded by Rob Knox and adopted on the following roll call vote:

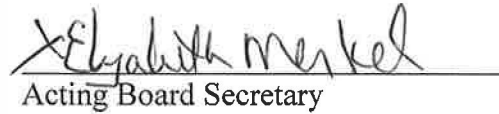
Ayes: All in attendance except as noted

Nays: None

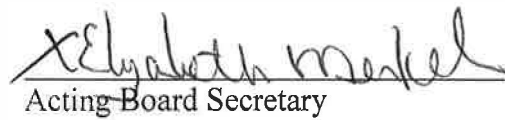
Abstain: Mr. Stockton

August 11, 2016.


Board Chairman


Acting Board Secretary

I certify this to be a true copy of a Resolution adopted by the Borough of Highlands Planning Board on August 11, 2016.


Acting Board Secretary