

4/4/19

**RESOLUTION APPROVING MINOR SUBDIVISION
AND BULK VARIANCES AND WAIVER
FOR 24 RALPH STREET, LLC (SOCHA)**

WHEREAS, the applicant, 24 RALPH STREET, LLC, is the owner of property at 24 Ralph Street, Highlands, New Jersey (Block 113, Lot 6), and filed an application for a minor subdivision, with ancillary bulk variance relief and a waiver, seeking to continue to use a portion of the property as a single-family residence and create an adjoining lot to also be used for a single-family residence; and

WHEREAS, all jurisdictional requirements have been met, and proper notice has been given pursuant to the Municipal Land Use Law and Borough Ordinances, and the Board has jurisdiction to hear this application; and

WHEREAS, the Board considered the application at a public hearing on March 7, 2019; and

WHEREAS, the Board heard the testimony of DAVID CRANMER, the applicant's engineer and planner; and

WHEREAS, GEORGE CORNWELL and MARLENE JENNINGS appeared to ask questions, but not to object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Zoning permit application dated 12/10/18
- A-2 Subdivision application (4 pages)
- A-3 Minor Subdivision plan by David Cranmer dated 10/22/18
- A-4 Architectural plans by Robert W. Adler dated 7/19/18 (2 pages)

- A-5 Exhibit A-3 on board
- A-6 Board showing deficiencies in setbacks

AND, WHEREAS, the following exhibits were marked into evidence as Board exhibits:

- B-1 Board engineer completeness letter by Robert Yuro dated 1/7/19 (3 pages)
- B-2 Board engineer review letter by Robert Yuro dated 1/18/19 (5 pages)
- B-3 Board engineer second engineering review letter by Robert Yuro Dated 2/26/19 (2 pages)

AND, WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The applicant is the owner of property located in the R-2.03 Zone.
2. The site currently contains one single-family dwelling, which is proposed to remain. Single-family homes are permitted uses in the zone.
3. The owner seeks to subdivide the existing 9,995 square foot lot into two single-family dwelling lots, one of 4,997 square feet, and the other for 4,998 square feet. If approved, proposed lot 6.01 will be 3 square feet short of the minimum lot area required; and proposed lot 6.02 will be 2 square feet short of the minimum lot area required.

4. The variance relief needed for minimum lot area is a result of the slight skew to the front line, since the property is not at right angles to the street. According to the applicant's engineer, this situation is true throughout the neighborhood, according to the deeds reviewed by the engineer.

5. The second story deck on the existing home, will be reduced in size to comply with the side yard setback requirement of 6 feet. The home, however, will remain.

6. Neither the existing home, nor the home to be built on the new lot created, will be more than three bedrooms. A design waiver is required to allow two driveways on the same lot. This results from the garage facing William Street and the Borough ordinance which limits each residential lot to one driveway. Since William Street is at the rear of the property, where the garage is, a design waiver is requested for that second driveway.

7. The existing garage is on proposed lot 6.01. It will be demolished and a new dwelling with attached garage will be built on proposed lot 6.01. There is already a curb cut to lot 6.02, however, that curb cut will need to be redone or replaced, with an apron. The applicant's plans call for two driveways on

proposed lot 6.01, one facing Ralph Street, and the other facing William Street; and one driveway on lot 6.02, facing William Street. Having a driveway entering the front of the property on William Street for both lots is a sensible approach, and consistent with the rest of the neighborhood.

8. There will be no storm water runoff issues. The applicant agrees to comply with any storm water regulations, and further agrees to comply with all bulk standards.

9. There will be a deck on the rear portion only of the home to be constructed on proposed lot 6.01. The rear deck on proposed lot 6.02 will remain, however, the side deck on the home on that portion of the lot will be reduced in size to comply with the side yard setback requirement of 6 feet. The existing rear deck is at grade, and the existing side deck is currently elevated, but will be reduced in size to comply with the side yard setback requirement of 6 feet.

10. The existing driveway on proposed lot 6.01, with gravel, will be removed, and replaced with lawn area.

11. Both lots will provide at least two off street parking spaces and, therefore, comply with the Borough's ordinances.

12. If the subdivision and variance relief is granted, the applicant will meet the ordinance requirements for minimum lot depth, minimum front yard setback, minimum rear yard setback, minimum side yard setback, maximum building height, lot coverage and building coverage for both lots being created.

13. According to the applicant's engineer, this application is a "textbook C-2" variance application. He testified that there will be no substantial impairment to the property, much less the neighborhood or the zone plan.

14. The application meets several requirements of the Municipal Land Use Law, those being:

(A) The general welfare, where 5,000 square feet lots are permitted and these two lots combined are only 5 square feet short of the total; as a result of which there will be substantial conformity with the zone requirements. Because of the "skew" of the lot lines, this is just a technical defect. The newly created lots will be mirror images of the houses on the south side of Ralph Street.

(C) Light air and open space are provided. This is a responsible development, under the ordinances, and follows the zoning scheme.

(E) Population Density. This conforms to the master plan, and these two lots will not be out of character with the others in the neighborhood, which are similarly sized.

(G) This is an appropriate location for the proposed use (i.e., single-family home).

15. As far as the negative criteria are concerned, the 2 square feet or 3 square feet shortage of the lot size is an imperceptible deviation and, therefore, de minimus. The balance of the ordinance requirements concerning lots in this zone have been met, as set forth earlier. Further, the use (single-family) is the same as that required in the zone, and the proposal will meet the established development pattern in the neighborhood. There is no impairment to the zone plan.

16. One focus of the board, during the hearing, was the turnaround on the William Street driveway. The Board recommended, and the applicant agreed, that there will be sufficient turnaround area on proposed lot 6.01 to allow vehicles to exit on to William Street.

17. The applicant proposes to file a subdivision by deed (as opposed to by map). As such the applicant must obtain approval from the Tax Assessor for lot numbers before recording any deeds.

18. This subdivision, and the proposed two single-family lots will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on March 7, 2019, and this resolution shall memorialize the Board's action taken at that meeting;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application of 24 FOURTH STREET LLC for a minor subdivision, in accordance with the plans submitted, together with bulk variances for minimum lot areas of 4,997 and 4,998 square feet; and a waiver for a second driveway on proposed lot 6.01 are hereby approved.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

A. When the existing stone driveway is removed, the portion in the Borough right of way shall be repaired with full face vertical curb.

B. The curb cut on proposed lot 6.01 shall be repaired or replaced, with an apron.

C. Any damage to the existing pavement incurred due to the proposed project shall be repaired or replaced to the satisfaction of the Borough.

D. The applicant shall submit detailed plot/grading/stormwater management plans to the Board Engineer for review and approval.

E. The deed(s) creating the subdivision shall be submitted to the Board Engineer and Board Attorney for approval, prior to recording. The deed(s) shall be also sent to the Borough's Tax Assessor for the assigning of lot numbers, prior to recording such deed(s).

F. The applicant shall obtain outside agency approvals, as required, from the Construction Official, Fire Official, and any other department and agencies having jurisdiction.

G. The applicant's plans will be revised to provide for turnaround area approaching the Williams Street driveway on proposed lot 6.01. Such dimensions to be approved by the Board or Borough Engineer.

H. Applicant's plans and construction shall meet all state and Borough codes.


Board Member, Class	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Burton			X			
Mr. Colby						X
Mr. Francy	X		X			
Mr. Gallagher			X			
Mr. Knox		X	X			
Councilmember Mazzola			X			
Mr. Nolan			X			
Mayor O'Neil						X
Chairman Stockton					X	
Alternate Mr. Kutosh			X			
Alternate Mr. Lee			X			
Alternate Mr. Montecalvo			X			

Vote to Approve Land
Use Board Resolution
2018-11

DATE OF VOTE:

March 7, 2019

This is a Certified True copy of the Original Resolution.



MICHELLE HUTCHINSON, LAND USE BOARD SECRETARY



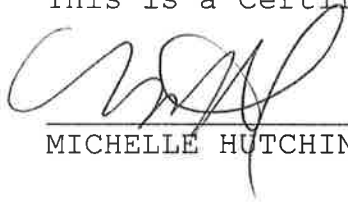
Board Member, Class	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Burton						X
Mr. Colby						X
Mr. Francy			X			
Mr. Gallagher		X	X			
Mr. Knox	X		X			
Councilmember Mazzola			X			
Mr. Nolan			X			
Mayor O'Neil						X
Chairman Stockton						X
Alternate Mr. Kutosh			X			
Alternate Mr. Lee			X			
Alternate Mr. Montecalvo						X

Vote to Approve the
Memorialization of
Land Use Board

Resolution 2018-11

DATE OF VOTE: APRIL 4,
2019

This is a Certified True copy of the Original Resolution.



MICHELLE HUTCHINSON, LAND USE BOARD SECRETARY

