

Re: HLUB2017-12

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

RESOLUTION APPROVING PRELIMINARY AND FINAL SITE PLAN, BULK
VARIANCES AND DESIGN WAIVER APPLICATION OF OUR LADY OF PERPETUAL
HELP CHURCH, FOR BLOCK 21, LOT 1.2, A/K/A 141 NAVESINK AVENUE,
HIGHLANDS, NEW JERSEY

WHEREAS, the applicant Our Lady of Perpetual Help Church, (hereinafter referred to as the "applicant") is the owner of the above referenced lot located in the Borough of Highlands R-1.01 Zone District; and

WHEREAS, Matthew D. Keenan is the owner of Lot 3 in Block 31 and has consented to the application being approved by this Board; and

WHEREAS, the applicant has filed an application with Municipal Land Use Board of the Borough of Highlands, (hereinafter referred to as the "Board"), seeking approval of preliminary and final site plan, bulk variances and design waivers for the above-mentioned property as listed below:

1. Preliminary and Final Site Plan. The applicant proposes to demolish the existing two story rectory building, and a one-story garage located on the subject property and expand the existing vehicle parking lot located on the property. The details of the project are set forth on the plans and maps submitted into evidence at the public hearing and contained in the testimony of the applicant's witnesses at said hearing. All of the foregoing are adopted herein in full with reference thereto. The proposed parking lot will be expanded from 9 to 49 parking spaces including fencing, striping, and lighting as set forth in the aforementioned plans.

2. Bulk Variances.

a. Lot Coverage- The proposed lot coverage of the parking area is 80.6% of the lot area where 70% is the maximum permitted.

b. Building Coverage- The proposed building coverage is 30.8% where the maximum permitted is 30%.

c. Required Parking Spaces- The total amount of off-street parking spaces for the Church usage is 62; the applicant is proposing 49 off-street spaces. There are presently 9 off-street parking spaces for the Church. The applicant is proposing an increase of 40 spaces for the use.

d. Per Ordinance Section 21-65.14.D.2 parking spaces shall be set back at least one-half the required setback distance for a principal building (in this case 17.5 feet along Navesink Avenue). The applicant is proposing a setback of 5 feet.

4. Design Waivers.

a. The applicant proposes a 27-inch guide rail where 30 inches is required; and

WHEREAS, there are other pre-existing bulk or design deficiencies not affected by this application; and

WHEREAS, all of the technical details of the aforementioned site plan, variances and waivers are set forth in the application and plans, maps, diagrams and reports and testimony submitted to the Board in support of the application and entered into evidence at the public hearing held on this application by the Board; and

WHEREAS, the Board conducted a public hearing on this application on May 9, 2018; 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 hear this matter; and

WHEREAS, the applicant called Robert DiFolco, a licensed Civil Engineer and Professional Planner in the State of New Jersey to testify in support of the application. Mr. DiFolco introduced numerous documents, maps and charts in support of the application which were entered into evidence and accepted by the Board; and

WHEREAS, Mr. DiFolco set forth the engineering and planning details for the project and answered all of the questions of the Board members. He set forth the positive and negative criteria for the variances and the basis for the design waivers in his testimony to the satisfaction of the Board; and

WHEREAS, the public was given an opportunity to cross examine the witness called in connection with this application; and

WHEREAS, the public was given the opportunity to give testimony and comment on the application and submit evidence in support of their position to the Board; and

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

1. The property is located in the R-1.01 Use Zone District.
2. The use requested by the applicant is a permitted use in the aforementioned zone pursuant to the Borough Zoning and Land Use Regulations.
3. The Board finds as fact that the application as proposed with Board imposed conditions is functionally better than the existing parking conditions at the site.

4. The Board accepts as fact, the testimony of the applicant's planner, Richard DiFolco, that the variances and waivers requested are necessitated by the topographical conditions of the site, thereby meeting the requirements of N.J.S. 40:55D-70.c.(1)(b). The actual topographical conditions of the site are set forth in numerous documents submitted into evidence.
5. The Board finds based on the testimony of Mr. DiFolco that this applicant will suffer a hardship, as that term is defined in the Municipal Land Use Law (MLUL) if the variances and design waivers requested are not granted. The Board finds that granting the requested variances and waivers are appropriate and reasonable.
6. The Board further finds that based on the testimony of Mr. DiFolco that the granting of the variances and design waivers will not have any substantial negative impact on the zoning ordinances and the Master Plan of the Borough.
7. The Board finds that the project is consistent with the Borough Master Plan and that the granting of the variances and waivers will not have any significant negative impact on the Master Plan or the Zoning Ordinances applicable to this project and Zone District.
8. The Board finds that the benefits far outweigh any detriment to the residents in the immediate area and the Master Plan and Zoning Ordinances of the Borough; and

WHEREAS, the Board has determined based on the testimony and evidence in the record that the variances and design waivers requested by the applicant can be granted without any substantial detriment to the public good and without substantially impairing the intent and purposes of the zone plan and zoning ordinance of the Borough. Furthermore, the Board has determined that the applicant has substantially complied with the applicable requirements of the Borough site plan ordinances, subject to the applicant complying with Board imposed conditions hereinafter set forth; and

WHEREAS, this resolution shall memorialize the Board's action taken to approve the application with conditions at its meeting held on May 9, 2018.

NOW THEREFORE BE IT RESOLVED by the Municipal Land Use Board of the Borough of Highlands that the application for preliminary and final site plan, bulk variances and design waivers for the aforementioned Block and Lot is hereby 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 kept current.
3. The applicant shall post guarantees, performance bond and inspections fees as determined by the Board Engineer for all bondable activities at the site in amounts approved by the Borough as a condition of final approval consistent with the MLUL (if applicable to this approval).

4. The applicant shall comply with all comments and conditions set forth in the board engineer's letter dated April 9, 2018 and all supplements thereto if any, except as modified herein which letter is annexed hereto and made a part hereof and designated as Exhibit 1.
5. The applicant shall revise its plans to show a 24-foot wide driveway in accordance with the condition set forth in the Board Engineer's letter referred to above.
6. The applicant shall revise its plans to show the installation of bollards to deter any access to the site from Miller Street as indicated at the hearing.
7. The applicant shall submit the easement agreements with contiguous property owners to the Board Engineer and Attorney for review and comments consistent with this approval.
8. The applicant shall submit plans showing the installation of a sliding gate located at the Lot 3 driveway; shielded light fixtures (that will prevent spillage onto the contiguous neighbors' property) and the substitution of landscaping instead of the fence area consistent with the testimony of the applicant's witness and representation of Counsel at the hearing.
9. No NJDOT approval is required for this project.

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

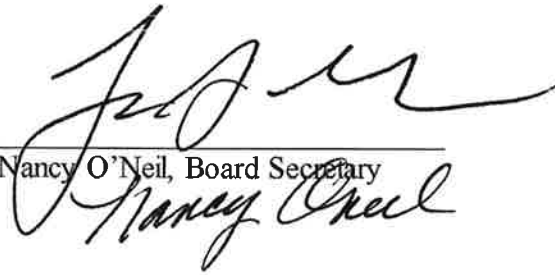
Ayes:

Nays:


Abstain:

June 13, 2018.


Andrew Stockton, Chairman


Nancy O'Neil, Board Secretary

I certify this to be a true copy of a Memorialization Resolution adopted by the Borough of Highlands Municipal Land Use Board on June 13, 2018.


Nancy O'Neil, Board Secretary