



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**LAND USE BOARD RESOLUTION 2020-04
RESOLUTION APPROVING MINOR SUBDIVISION
FOR GUNDLACH AT BLOCK 120 LOTS 1 & 2**

WHEREAS, the applicant, PAUL GUNDLACH, is the owner of two lots, one fronting on Navesink Avenue (State Highway 36) and the other on Shore Drive, both of which contain a two-family dwelling; and

WHEREAS, the applicant proposes to move the lot line separating the two lots, effectively enlarging the Navesink Ave lot and reducing the Shore Drive lot, both as to depth, but make no changes to the structures or the lots themselves; and

WHEREAS, all jurisdictional requirements have been met, and the Board has jurisdiction to hear this application; and

WHEREAS, the Land Use Board of the Borough of Highlands considered the application at a public hearing on September 3, 2020; and

WHEREAS, the Board heard testimony from the applicant's planner and surveyor, RICHARD STOCKTON; and

WHEREAS, no other persons appeared to ask questions, object or support the application; and

WHEREAS, the applicant submitted the following documents in evidence:

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| A-1 | Denial of zoning permit by Marianne Dunn, Zoning Officer dtd 6/3/20 |
| A-2 | Variance application dated 5/6/20 (3 pages) |
| A-3 | Subdivision application dated 5/6/20 (3 pages) |
| A-4 | 5 photos, submarked A through E |
| A-5 | Subdivision plan by Richard Stockton dated 2/24/20 |

AND, WHEREAS, the following exhibit was also marked into evidence:

B-1 Board engineer completeness letter by Edward Herrman dated 7/13/20 (3 pages)
B-2 Board engineer review letter by Edward Herrman dated 8/11/20
(4 pages)

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

1. The applicant is the owner of two contiguous lots, each containing a two-family residence, both lots being in the R-2.03 Zone.

2. The applicant proposes to subdivide lot 2 in block 120 by adjusting the lot line and reducing the rear yard by approximately 60 feet, as a result of which the depth of lot 2 in block 120 will be reduced to 100 feet on the northerly side line and to 100 feet on the southerly side line; and increasing the depth of lot 1 in block 120 to approximately 234 feet on the northerly side line and to approximately 232 feet on the southerly side line.

3. No changes to any of the existing structures, all of which have been present for many years, are planned or requested.

4. No changes to the landscaping are planned or requested.

5. The two lots are separated by a steep slope, the higher elevation being at lot 1.

6. The applicant seeks minor subdivision approval pursuant to Section 21-55 of the Borough Ordinance. This subdivision is minor in nature, as it contains three or less properties, does not require a new street or road, and does not adversely affect the development of the parcels.

7. Though the current uses are pre-existing non-conforming uses, the proposed subdivision will continue the two lots, as a result of which no bulk variance relief is required.

8. Because the properties are pre-existing non-conforming lots as to use, and since one is being lessened in size, a use variance is required under N.J.S.A. 40A:55D-70d2.

9. The newly configured lots will have 12,305 square square feet (proposed lot 1.01) and 5,248 square feet (proposed lot 2.01). Both the lot areas, as well as the remaining dimensions, are in conformance with the zoning ordinances and are set forth on page 2 of the above-referenced Board Engineer's report

10. The slope will not be disturbed.

11. This application is made because of the applicant's desire to increase the buffer and maintain the integrity of the slope between the two lots.

12. The new rear lot line for both lots will match up with the rear lot line to the neighboring property on Navesink Ave. to the west.

13. There are currently plantings in front of each lot, as a result of which the Board determines that there is no need for a landscaping plan or the planting of any street trees.

14. There will be no streetscape changes on either Navesink Ave. or Shore Drive.

15. The applicant's planner testified that several special reasons as envisioned by N.J.S.A. 40:55D-2 are met. These include the providing of slope stability and maintaining the view; maintaining safety; continuing to provide sufficient space in appropriate locations by continuing the current residential uses on both lots in an environmentally safe way; and promoting the visual environment.

16. The applicant's planner further testified that the two lots (site) are particularly suited for the use since both structures have been there for many years and both are fully vegetated.

17. Both lots provide the parking required by the Borough ordinance.

18. Based upon the evidence submitted, the Board is satisfied that the proposed application for a use variance and a minor subdivision will not cause any detriment to any of the surrounding properties. In fact, the Board sees no detriment of any kind by the granting of this application.

19. The Board further finds that the variance requested will not substantially impair the intent and purposes of the zoning plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on September 3, 2020, 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 PAUL GUNDLACH for a use variance and minor subdivision on Lots 1 and 2 in Block 120, pursuant to the plans submitted and the evidence received, is hereby granted.

AND BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

A. The applicant shall provide a written confirmation from the Tax Assessor that the lot numberings (i.e., 1.01 and 2.01) are acceptable, prior to filing any deeds.

B. The applicant shall provide a metes and bounds deed description for review by the Board Engineer, and the legal form of the deed for review and approval by the Board Attorney; both to be done prior to filing.

C. The applicant advises that he will not be filing a map, but rather a deed describing the minor subdivision. The proposed deed(s) shall be submitted to the Board Engineer and Board Attorney for approval and, once approved, signed by the Chairman and Secretary of the Board.

Offered by: Mr. Kutosh

Seconded by: Mr. Lee

Ayes: Mr. Kutosh, Mr. Lee, Ms. Tierney, Ms. Walsh, Mr. Montecalvo, Ms. Pendleton

Nays: None

Abstain: None

Absent: Ms. Nash

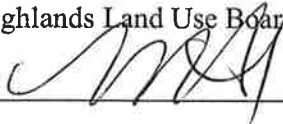
A handwritten signature in black ink, appearing to read 'Andrew Stockton', written over a horizontal line.

Andrew Stockton,

Chairman, Land Use Board

Borough of Highlands

I, Michelle Hutchinson, certify that this is a true and correct record of the actions of the Borough of
Highlands Land Use Board on October 1, 2020

A handwritten signature in black ink, appearing to read 'Michelle Hutchinson', written over a horizontal line.

Michelle Hutchinson, Land Use Board Secretary