

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

**RESOLUTION APPROVING THE MINOR SUBDIVISION  
AND VARIANCE APPLICATION OF THOMAS F. BALLAND,  
BLOCK 91, LOT 1**

**WHEREAS**, the applicant referred to above is the owner of the above mentioned lot, which is located in the R-2.01 Zone; and

**WHEREAS**, the applicant has applied for a two (2) lot Minor Subdivision with variances and design waivers. The applicant proposes to subdivide the above captioned lot into two new residential lots, one containing an existing single family structure (Lot 1.02) and one vacant for the construction of a three story single family residence (Lot 1.01). Lot 1.01 has frontage on Huddy Avenue and Recreation Place. Lot 1.02 has frontage on Huddy Avenue. The variances and design waivers requested for each lot are as follows:

**Proposed Lot 1.01**

1. Minimum lot area is 3,750 square feet, whereas the applicant proposes 3,000 square feet.
2. Front yard setback is required to be a minimum of 20 feet or the average of the existing front yard setbacks for properties within 200 feet of the subject property in the same block. The applicant is proposing a front yard setback of 10 feet from both Huddy Avenue and Recreation Place (both are front yards pursuant to the ordinance since this is a corner lot). It appears that the average setback of properties within 200 feet of the subject property located on the same block is 11.9 feet, therefore a de minimus variance is required.
3. Minimum side yard setback is 6 feet, whereas the applicant is proposing a side yard setback of 3.5 feet from the lot 1.02 side line.
4. The maximum lot coverage for the structure is 33%, whereas the applicant proposes 40%.
5. Residential Site Improvement Standards (R.S.I.S.) requires 2.5 off street parking spaces for single family dwellings when the number of bedrooms is not specified. The applicant may require a “design waiver” from this requirement however the applicant has proposed parking in the driveway and proposed garage to be constructed on the lot therefore a de minimus waiver may be required.

**Proposed Lot 1.02**

1. Minimum lot area is 3,750 square feet, whereas the applicant proposes 3,666 square feet.
2. Minimum lot width is 50 feet, whereas the applicant proposes 45.83 feet.
3. Front yard setback is required to be a minimum of 20 feet or the average of the existing front yard setbacks for properties within 200 feet of the subject property in the same block. The existing front yard setback is 9.5 feet. It appears that the average setback of properties within 200 feet of the subject property located on the same block is 11.9 feet, therefore a de minimus variance is required.

4. Minimum side yard setback is 6 feet, whereas the applicant is proposing a side yard setback of 3.0 feet from the lot 1.01 side line.

5. The maximum lot coverage for the structure is 33%, whereas the applicant proposed 47.3%.

6. R.S.I.S. standards require a minimum of 2.5 on site parking spaces, whereas the applicant has not proposed any on site spaces therefore a design waiver 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 a public hearings held on December 13, 2007 and January 10, 2008; and

**WHEREAS**, the Board considered the testimony of the applicant, Catherine Franco, a licensed Architect and Professional Planner in the State of New Jersey and Charles Surmonte, a licensed Professional Engineer in the State of New Jersey and the legal argument of Counsel. The public was afforded an opportunity to cross examine the applicant and his witnesses and were additionally given an opportunity to offer comments and evidence either in support of, or, in opposition to the application; and

**WHEREAS**, the applicant submitted into evidence maps, photographs and reports in support of the application which were marked as exhibits; 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-2.01 Zone.
2. The testimony of the applicant and his witness verified that the variances requested for front yard setbacks are technical in nature since the proposed setbacks are consistent with the lots in the immediate area.
3. The size and layouts of the new lots will be consistent with the lots in the immediate area.
4. The proposed parking will be adequate for the structures proposed on the lots.
5. The applicant agreed to comply with the outstanding conditions and recommendations set forth in the T&M letter dated November 2, 2007, revised on January 10, 2008, which is incorporated herein.
6. The applicant agreed to comply with additional conditions set forth hereinafter.
7. The applicant established the positive criteria required for the variances and waivers which are specifically dictated by the size, shape, location and topography of the site pursuant to N.J.S.A. 40:55D-70c; and

**WHEREAS**, the Board determined that the relief 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; and

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

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Highlands that the application for a two lot minor subdivision with variances and design waivers is approved contingent upon the following conditions being met;

1. All testimony, evidence and representations made by the applicant and his 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 post performance bond and inspection fees if required by the Borough.
5. The applicant will comply with the conditions set forth in the T & M letter dated November 2, 2007 and revised on January 10, 2008.
6. If the applicant intends to perfect the subdivision by deeds, they must be submitted to the Board Engineer and Attorney for review and approval and must further be recorded within the time provided within the Land Use Act.
7. The applicant will contribute to the Borough sidewalk fund if required by the Borough Ordinances for the subject lots.
8. The applicant will amend its plans to add a site triangle to the corner lot which shall be submitted to the Board Engineer for review and approval.
9. The applicant shall obtain the approval of all outside agencies as a condition precedent to this approval.
10. The applicant will obtain NJDEP Flood Hazard Area Permit and abide by FEMA Coastal Construction guidelines applicable to new construction.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**Ayes:** Mr. Manrodt, Mr. O'Neil

**Nays:** None

**Abstain:** None

**Date:** February 14, 2008

**CAROLYN CUMMINS, BOARD SECRETARY**

I certify this to be a true copy of a Resolution adopted by the Borough of Highlands Planning Board on February 14, 2008.

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**BOARD SECRETARY**

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