

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

**RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF CHARLES G. SCATURRO IRREVOCBLE
TRUST & ROSARIO SCATURRO IRREVOCABLE TRUST,
BLOCK 2, LOT 1; BLOCK 3, LOTS 6 & 7**

WHEREAS, the applicants referred to above are the owners of the above mentioned lots, which are located in the R-1.03 Zone; and

WHEREAS, the applicants have applied for a two (2) lot Minor Subdivision and a variance and design waiver. The applicants propose to subdivide existing lots 6 and 7 into lots 7.01 and 7.02 and propose to construct two single family dwellings consisting of two stories each. Each lot will be conforming in nature with the exception of lot depth. The Ordinance requires 200 feet, whereas the applicant is providing 167.6 feet for lot 7.02. The applicants have also sought a de minimus exception from the R.S.I.S. standard that requires sidewalks for the lots; 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 hearings held on January 10 and February 14, 2008; and

WHEREAS, the Board considered the testimony of James A. Kennedy, a licensed Professional Engineer and Planner in the State of New Jersey and various members of the public and the legal argument of Counsel; and

WHEREAS, the applicant submitted into evidence a Minor Subdivision Map and Stormwater Management Report in support of the application prepared by James A. Kennedy; 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-1.03 Zone.
2. The testimony of the applicant's witness and argument of Counsel verified that the variance requested is preexisting and the applicant cannot acquire any additional land in order to eradicate the variance applied for.
3. The new lots will be in compliance with the applicable bulk provisions of the Borough Zoning Ordinance with the exception of the lot depth variance for proposed lot 7.02

4. The applicant agreed to comply with the outstanding conditions if any, set forth in the T&M letter dated December 27, 2007, which is incorporated herein in full.
5. The applicant agreed to comply with additional conditions set forth hereinafter.
6. The Board agrees that the exception from the R.S.I.S. standard requiring sidewalks is de minimus in nature and will not adversely impact the area in which the lots are located.
7. The applicant established the positive and negative criteria required for the variance applied for; and

WHEREAS, the Board determined that the relief requested by the applicants 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 and variance and design waiver 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 and variance and design waiver 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 post performance bonds and inspections fees if required by the Borough.
5. The applicant will comply with the outstanding conditions if any, set forth in the T & M letter dated December 27, 2007.
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 submit updated plans containing the amendments agreed to by the applicant at the meetings and recommended by T & M Associates to the latter party for its review and approval.
9. The applicant agrees to install a pervious surface in the driveways as agreed to at the meetings of the Board.
10. The applicant agrees to adhere to the requirements imposed by the Borough as a condition of the vacation of a portion of the unnamed roadway and dedication of a portion of block 2, lot 1 to the Borough.

11. This approval is subject to the applicant receiving approval for the project from the Freehold Soil Conservation District and the Monmouth County Planning Board (if required by applicable law).

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Cefalo, Mr. Nolan,
Mr. Stockton

NAYES: None

ABSTAIN: None

DATE: March 13, 2008

CAROLYN CUMMINS, BOARD SECRETARY

I hereby certify this to be a true copy of a Resolution adopted by the Borough of Highlands Planning Board on March 13, 2008.

BOARD SECRETARY