

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

**RESOLUTION APPROVING THE MINOR SITE PLAN
APPLICATION OF FANG LIN, BLOCK 64, LOT 24**

WHEREAS, the applicant Fang Lin is the owner of property known as Block 64, Lot 24 on the Borough of Highlands Tax Map, which property is located at 214 Bay Avenue, Highlands, New Jersey and is located in the B-1 Zone; and

WHEREAS, the applicant has applied for preliminary and final minor site plan approval for the purpose using an existing mixed use structure containing commercial space on the first floor and four residential units on the upper floor(s) as a take out Chinese restaurant on the first floor and the residential component to remain as is; 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 hearing held on March 12, 2009; and

WHEREAS, the Board heard the testimony of the applicant's husband, Yang Huang, Frank Mileto, a licensed Planner and Architect in New Jersey and Bruce Jacobs, a licensed Planner and Professional Engineer in New Jersey; and

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

1. The property is located in the B-2 Zone.
2. The application as presented, in conjunction with the conditions of approval imposed by this Board hereinafter, complies with the applicable zoning and development ordinances of the Borough of Highlands; and

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

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for preliminary and final minor site plan approval for Block 64, Lot 24 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 current.
3. The applicant shall comply with all of the outstanding comments and conditions if any set forth in the Board Engineer's report for this project

dated March 6, 2009, which report is incorporated herein in full by reference thereto.

4. The applicant agrees to post performance bonds and/or inspection fees as determined by the Borough Engineer if any.
5. The applicants will obtain the approval of the Monmouth County Planning Board for the project if required by law.
6. The applicants will obtain the approval of the Highlands Regional Sewerage Authority for the project if required by law.
7. The applicant will be permitted to have “sit down dining” inside of the first floor space that is limited to two (2) tables and a total of eight (8) chairs.
8. The applicant will comply with the Borough sign ordinance as applicable to any proposed exterior signs.
9. The proposed trash dumpster will be a two yard container that will be completely enclosed and will be located in the area indicated in the testimony of Bruce Jacobs. The location of the dumpster can not impede the on-site parking of vehicles. If trash or the dumpster location becomes a problem in the future the applicant has agreed to increase the size of the dumpster and/or relocate it to a different position on the subject property. This condition is of a “continuing nature” and was specifically agreed to by the applicant.
10. The applicant agrees to install stone and railroad ties in the parking area in order to improve the existing driveway.
11. The applicant agrees to submit to the Board Engineer for his review and approval a proposed exterior lighting plan.
12. The applicant has agreed on the record to make façade improvements to the existing structure and clean up the structure and the property.
13. The applicant shall make the appropriate financial contribution to the Borough Parking Deficiency Fund for 17 parking spaces as determined by the Borough.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mayor Little, Mr. Francy, Mr. Parla,
Ms. Peterson

NAYES: None

ABSTAIN: None

DATE: April 9, 2009

CAROLYN CUMMINS, Board Secretary

I certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on April 9, 2009.

Board Secretary

HIGHLANDS.NJ.US