

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

RESOLUTION APPROVING THE PRELIMINARY AND FINAL  
MAJOR SITE PLAN AND VARIANCE APPLICATION OF FIRST  
HARTFORD REALTY CORPORATION FOR, BLOCK 108, LOTS 2.02  
& 2.03 AND BLOCK 101, LOTS 17.02, 27 & 27.01

WHEREAS, the applicant First Hartford Realty Corporation (hereinafter referred to as the “applicant”) is the contract purchaser of the above captioned lots, which lots are located in the HO Zone in the Borough of Highlands, New Jersey; and

WHEREAS, the applicant has applied for preliminary and final major site plan approval with variances for the purpose of constructing a CVS Pharmacy on the aforementioned lots in the Borough. The variances requested by the applicant are as follows:

1. Pursuant to Chapter 21-92.01.4 of the Borough Zoning Ordinance the applicant is required to have a front yard setback of 50 feet from the property boundaries. The subject lots contain frontages on 3 roadways; NJSH Route 36, Orchard Avenue and Ocean Avenue. The applicant proposes a setback of 23.9 feet from Ocean Avenue to the proposed drive-through canopy and a setback of approximately 42 feet from Ocean Avenue to the proposed building corner. Therefore the applicant has requested variances for the foregoing 2 front yard setbacks.
2. The applicant has proposed to construct 1 free standing illuminated sign on the subject property that will have a sign area of 44 square feet where 24 square feet is the maximum permitted by the applicable Borough Ordinance and a height of 15 feet where 10 feet is the maximum permitted by the Ordinance. Therefore the applicant has requested variances for the aforementioned sign square footage and height. The applicant also proposes additional signage at the premises that conforms to the applicable Zoning Ordinances; 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 14, 2013; and

WHEREAS, the Board heard the testimony of Jeffrey Spalt, a licensed Civil Engineer and Planner in the State of New Jersey and Nickolas Victor Verderese, a licensed Civil Engineer in the State of New Jersey on behalf of the applicant. Mr. Spalt testified on the site details (his office prepared the site plans for the project) and Mr. Verderese was qualified as a traffic expert and he testified on the traffic effects of the

project and the site circulation and parking plan as well as the ingress and egress details for the project; and

WHEREAS, the Board makes the following factual findings in connection with this application based on the testimony and plans and maps submitted on behalf of the applicant:

1. The proposed uses at the site are permitted pursuant to the applicable Borough Development and Zoning Ordinances.
2. The bulk variances requested by the applicant are due to the site dimensions and topography. Therefore the applicant has established the positive criteria for the requested variances. A hardship was established for the requested variances.
3. The variances requested will not have a substantial negative impact on the Borough Zoning Ordinance and Master Plan and will not have any substantial negative impact on the neighborhood in which the subject property is located. Therefore the applicant has established the negative criteria for the requested variances.
4. The applicant has substantially complied with the Borough site plan ordinance and has agreed to accept and comply with the conditions set forth below that are being imposed on the applicant; 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 major site plan and variances 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 major site plan approval and variances for the aforementioned lots 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 letter dated March 8, 2013, which 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 applicant shall obtain the approval of the Monmouth County Planning Board for the project if required by law and the Freehold Soil and Conservation District.
6. The applicant shall obtain the approval of the Highlands Regional Sewerage Authority for the project if required by law.

7. The applicant shall obtain the approval of the NJDOT for the proposed driveway configuration, drainage and all proposed improvements within the jurisdiction of the NJDOT.
8. The applicant will submit a site lighting plan to the Board Engineer for his review and approval.
9. The applicant agrees that the site lights (with the exception of safety or security lights) will be illuminated no sooner than 1 hour before opening and extinguished 1 hour after closing.
10. The applicant will submit to the Board Engineer the results of the inspection of the current on-site subsurface drainage collection system for his review. Whether or not the current system is deficient or can be utilized for this project, the applicant will comply with the recommendations of the Board Engineer.
11. The applicant will submit amended site plans to the Board Engineer for his review and approval containing the following details:
  - a. Restriping of the rear loading area that will result in a better flow of the lanes leading to the drive-through facility.
  - b. Installation of sidewalks that will connect to the Quick Check site and to the bus-stop area located on Route 36 near the intersection with Orchard Avenue.
  - c. Installation of an internal sidewalk from Route 36 to the store entrance and the omission of 1 onsite parking space to accommodate this feature.
  - d. Installation of a sidewalk on Ocean Avenue that will extend along the entire site and the installation of a sidewalk on Orchard Avenue from the intersection of Ocean Avenue and Orchard Avenue to the proposed driveway on Orchard Avenue.
  - e. Installation of an internal sidewalk from Orchard Avenue at the driveway to the proposed CVS store.
12. Title 39 requirements are applicable to this project. The applicant shall make the appropriate request to enforce Title 39. Proof thereof shall be supplied to the Board Engineer.
13. The proposed retaining wall depicted on the plans submitted into evidence shall be located a distance of 6 feet from the property line.
14. The applicant shall install a guide rail in front of the proposed retaining wall and construct a 4 foot fence along the top of the retaining wall.

Seconded by Ms. Peterson and adopted on the following roll call vote:

Ayes: Ms. Peterson, Mr. Gallagher, Mr. Hill, Mr. Colby, Mr. Stockton

Nays: None

Abstain: None

April 11, 2013.

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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 11, 2013.

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Board Secretary