

Mr. Gallagher offered the following Resolution and moved on its adoption:

**RESOLUTION**

**Amended Preliminary and Final  
Major Site Plan with Bulk Variances  
Navesink Capital Partners, LLC  
Block 101, Lots 17.02, 27, 27.01, 30 and 30.02  
Block 102, Lots 8 and 9  
Borough of Highlands**

WHEREAS, the Applicant Navesink Capital Partners, LLC has applied to the Borough of Highlands Planning Board for Amended Preliminary and Final Site Plan Approval and Bulk "c" Variance relief and Design Waivers to amend the previously approved Site Plan which was granted by way of Resolution adopted on March 13, 2014; and

WHEREAS, the Applicant has complied with the public notice provisions as set forth in N.J.S.A. 40:55D – 12; and

WHEREAS, the Board has jurisdiction to hear this matter; and

WHEREAS, a public hearing was conducted before the Borough of Highlands Planning Board on March 13, 2014 for the purpose of hearing the Application of Navesink Capital Partners, LLC for Amended Site Plan, Bulk "c" Variances and Design Waivers; and

WHEREAS, the Applicant was represented by Martin A. McGann, Jr. Esq.; and

WHEREAS, the Planning Board's experts were duly sworn to give testimony in this matter; and

WHEREAS, the Applicant produced it's Professional Engineer Sean Savage, P.E. and it's Professional Planner Kaitlyn Walsh, P.P.; and

WHEREAS, testimony was taken from the Applicant's professionals setting forth reasons for the granting of the Amended Site Plan, Bulk Variances and Design Waivers.

NOW THEREFORE, the Board makes the following findings of fact and conclusions of law:

The Applicant has demonstrated through its expert testimony that the previously approved Site Plan is to be amended or modified to reflect a change in the location of the common area parking which is required for the residential component of the previously approved Site Plan.

The previously approved Site Plan provided for 18 common area parking spaces for the residential townhouse condominium regime where the Applicant had proposed two (2) residential townhouse units.

The Residential Site Improvement Standards ("RSIS") require 25 common area parking spaces to fulfill the requirement for 49 residential townhouse units.

In addition to the 18 common area parking stalls, the Applicant provided seven (7) additional vehicle stalls located throughout the residential component of the site plan.

The Applicant now desires to re-locate the common area parking stalls to other locations on the site.

The new locations of the common area parking stalls are set forth on an Amended Site Plan dated February 27, 2014 prepared by Sean Savage, P.E. of Matrix New World Engineering.

As set forth in the Site Plan Resolution as duly adopted by the Highlands Planning Board on March 13, 2014, the Applicant is not being permitted to construct two "D" Units adjoining the Marina site until the Board approved alternative site(s) for the common parking vehicle parking area.

As a result of the Amendment to the Site Plan relocating the common area parking areas, the two "D" units can now be constructed as part of the 49 approved residential units.

Additionally, the Applicant complies with the Residential Site Improvement Standards ("RSIS") as to the required necessary 25 common area parking spaces as so required and as so approved in the previous Site Plan Application.

The Applicant further demonstrated the necessary criteria for the granting of the bulk "c" Variances and Design Waivers as set forth in the record by the testimony of Kaitlyn Walsh, PP.

The Applicant's Planner demonstrated the C.1 hardship criteria based upon the shape and topography of the existing site resulting in exceptional and practical difficulties in compliance with the Borough Ordinances.

The Applicant's Planner also demonstrated C.2 criteria for the granting of the bulk "c" variances citing several purposes of the Municipal Land Use Act being advanced, the result of which the benefits from the deviation from the Zoning Ordinance requirements substantially outweighed any detriments.

Lastly, the Applicant's Planner, through the testimony and evidence, demonstrated that as a result of the granting of the variances there would not be a substantial detriment to the public good for in fact the use proposed here is a permitted use and there are proposed activities which would be contrary or different to any other type of residential setting or activity permitted in the zone.

Furthermore, the Applicants Planner demonstrated through testimony that the variances can be granted, for same will not result in a substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance.

The Board finds that the intent and purpose of the Zone Plan is to provide a residential development as contemplated by the approval of this Site Plan.

The Board finds, based upon the testimony and the exhibits entered into evidence, that the granting of exceptions to the Applicant from requirements for Site Plan Approval is reasonable and within the general purpose and intent of the provisions for site plan review and further finds that literal enforcement of one or more provisions of the Ordinance is impractical or will exact undue hardship because of particular conditions pertaining to the subject property.

NOW THEREFORE BE RESOLVED, that the board hereby GRANTS APPROVAL of the Amended Site Plan dated February 27, 2014 and related Bulk "C" Variances hereinafter set forth and Design Waivers subject to the applicant complying with Board imposed conditions hereinafter set forth after the variances as follows:

1. The distance of one of the building façades to the parking lot 9.99 feet where 12 feet is required (as depicted on the plan marked AA-1 in evidence at the hearing).
2. The distance of an additional building façade to the parking lot a distance of 7.99 feet where 12 feet is required (as depicted on the plan marked AA-1 in evidence at the hearing).

The conditions imposed on the applicant are as follows:

1. The applicant must provide adequate buffering and landscaping to prevent automobile headlights from shining onto the neighboring properties and into the residences at this project.
2. This approval is applicable to the residential section of this project.
3. The applicant will expand the aisle width from 22 feet to 24 feet, which necessitates variance number 2 set forth above.

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

ROLL CALL:

AYES: Mr. Gallagher, Mr. Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton,  
Mr. Korn, Mr. Stockton

NAYES: None

ABSENT: None

Dated: March 13, 2014

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Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on March 13, 2014.

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Carolyn Cummins, Borough Clerk