

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

RESOLUTION APPROVING THE MINOR SITE PLAN AND
VARIANCE APPLICATION OF BIRCHWOOD INC., BLOCK 66,
LOT 11

WHEREAS, the applicant Birchwood Inc., is the owner of property known as Block 66, Lot 11 on the Borough of Highlands Tax Map, which property is located at 60 5th Street, Highlands, New Jersey and is located in the WT-C Zone; and

WHEREAS, the applicant has applied for preliminary and final minor site plan approval and bulk variances for the demolition and reconstruction of four (4) bungalow units that were severely damaged by Hurricane Sandy. The details of the foregoing application are set forth in the application filed with the Board and on the maps and exhibits presented to the Board at a public hearing held on April 10, 2014; 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 April 10, 2014; and

WHEREAS, Kevin Birch, a principal of the applicant and Jason Marciano, a licensed civil engineer and planner in the State of New Jersey testified on behalf of the applicant at the public hearing; and

WHEREAS, members of the public also testified at the public hearing; and

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

1. The property is located in the WT-C Zone.
2. The proposed use is a permitted use in the aforementioned zone.
3. The variances required in connection with this application are as follows:
 - a. The required minimum side yard setback is 6/8 feet and the applicant has proposed 3.0/3.0 feet. The existing side yard setback is 0/3.75.
 - b. The maximum building height for bungalows in this zone is 20 feet. The applicant is proposing 21 feet, 7.5 inches for the front building facing 5th Street.
 - c. The required on-site parking requirement pursuant to the zoning ordinance is 4 spaces; 1 for each dwelling and the applicant has proposed 4 spaces; 2 for the front dwelling and 2 for the second dwelling and none for the third and fourth dwellings. Therefore a variance is required.

- d. The application does not meet the RSIS minimum on-site parking requirement however the applicant has demonstrated to the satisfaction of the Board that it has alternative off-site parking available to the occupants that satisfies the RSIS requirement.
4. The applicant's planner/engineer opined that the variances are necessitated by the exceptional narrowness of the lot (C-1 criteria) and that the new layout has improved the conditions at the subject premises and lessened the negative impact of the variances on the applicable provisions of the zoning ordinance (C-2 criteria). The planner also testified on the hardship that the applicant would suffer if the variances were not granted.
 5. The Board accepts the testimony of the applicant's planner as the basis for the grant of the variances and finds that the proposed project will not substantially impair the intent and purposes of the applicable provisions of the zoning ordinances and master plan and will not have any substantial negative impact on the neighborhood in which the project is located.
 6. The site plan portion of the application as presented, in conjunction with the conditions of approval imposed by this Board hereinafter, complies with the applicable development ordinances of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony and exhibits has found the proposed project 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 and variances 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 set forth in the Board Engineer's report for this project dated April 4, 2014, 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 applicant will obtain the approval of all required outside agencies for the project.
6. The applicant's engineer shall revise his plans and include the applicable flood zone determination for the site.
7. The applicant's engineer shall provide updated drainage calculations to the Board Engineer and make the necessary changes to any plans or maps submitted consistent with the updated calculations.
8. The plans shall be revised to show "scaloped" shutters on the structures and open "lattice" installation around the elevated areas of the proposed structures consistent with the testimony at the hearing and the comments of the Board members on these items. The applicant shall also paint the

exterior of the proposed structures with different colors as agreed to at the public hearing.

9. The applicant shall plant the rear open area of the property at the waterfront with dune grass and will not install any impervious surface in that area (in accordance with the plans submitted into evidence at the public hearing).
10. The applicant shall submit documentation to the Board Engineer for his review and approval that sets forth the FEMA Regulations of the flood hazard elevation of the land areas of the project that are within the two (2) FEMA flood hazard zones.

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

Ayes: Mr. Hill, Mr. Danzeisen, Mr. Stockton

Nays: None

Abstain: None

Date: May 8, 2014.

Board Secretary

I certify this to be a true copy of the written Resolution adopted by the Borough of Highlands Planning Board on May 8, 2014.

Board Secretary