

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

**RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF
CMB, LLC & 90 PORTLAND, LLC,
BLOCK 1, LOTS 6, 7 & 8; R-1.03 ZONE**

WHEREAS, the applicants are the owners of the aforementioned Block and Lots, which properties are located in the R-1.03 Residential Zone; and

WHEREAS, the applicants have applied for a two lot Minor Subdivision of existing lots 6, 7 and 8 into two proposed lots known as lots 6.01 and 8.01 along with the elimination of existing bulk deficiencies and the creation of new bulk variances which are set forth below; 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 August 13, 2015; and

WHEREAS, the Board heard the testimony of Richard Stockton, a Licensed Surveyor and Planner in the State of New Jersey and the representations of Martin McGann, Esquire, the Attorney for the applicant; and

WHEREAS, the applicant submitted the following documents into evidence: A Minor Subdivision Plan designated as A-1 in evidence; Existing lot plan, designated as A-2 in evidence; Exhibits A-3 and A-4 which depict the proposed lot lines and side yards, prepared by Richard Stockton.: and

WHEREAS, the Board after considering the evidence and testimony presented on behalf of the applicant and the testimony of any interested citizens has made the following findings of fact and conclusions based thereon:

1. The property is located in the R-1.03 Residential Zone, which permits the subdivision applied for.
2. The Board accepts the testimony of Richard Stockton as the basis for granting the variances due to the shape, size and location of the proposed lots
3. The Board finds that the applicant has satisfied both the negative and positive criteria for the grant of the variances applied for.
4. The applicant will comply with the outstanding conditions and recommendations if any set forth in the T&M letter dated August 5, 2015, which is incorporated herein in full.

5. The applicant agreed to comply with additional conditions set forth hereinafter.
6. The Board finds the following existing bulk deficiencies will remain unchanged as a result of this application:
 - a. Lot 8.01- the accessory garage structure will be located 0.2 feet from the side line where 3 feet is required.
7. The Board finds the following existing bulk deficiencies will be eliminated:
 - a. Lot 6.01- side yard setback for the accessory shed.
 - b. Lot 8.01- Lot frontage.
8. The Board finds the following new variances will be required as a result of the proposed subdivision:
 - a. Lot 8.01- lot area of 7,075 square feet where 14,000 square feet is the minimum requirement.
 - b. Lot 8.01- lot depth of 89.12 feet where 200 is the minimum requirement; and

WHEREAS, the Board has determined that the variances requested by the applicant 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 subdivision plan and variance 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 subdivision and bulk variances submitted by the applicants is approved contingent upon the following conditions being met;

1. All testimony, evidence and representations made by the witness and attorney are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant shall comply with all the outstanding comments and recommendations if any, set forth in the T & M letter for this project, dated, August 5, 2015.
4. The applicant will adhere to the findings of fact set forth above.
5. The applicants will enter into a Developers Agreement with the Borough, if required to do so by the Borough.
6. Subject to the approval of the application by the Monmouth County Planning Board and/or the NJDOT, or any other governmental agency that has jurisdiction over this project, if applicable, to this application and compliance with any conditions imposed by said Agencies.
7. The applicant shall submit the proposed subdivision deeds to the Board Engineer and Attorney for their review and approval.
8. Any and all existing easements shall remain in affect.

9. The applicant shall submit all easement documentation to the Board Engineer and Attorney for their review and approval.

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

Ayes: Mr. Hill, Mr. Francy, Mr. Wells

Nays: None

Abstain: None

September 10, 2015.

Carolyn Cummins, Board Secretary

I certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on September 10, 2015.

Carolyn Cummins, Board Secretary