

Rob Knox offered a motion to move on the adoption of the following Resolution:

RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF MARY SCHNEIDER, BLOCK 19, LOTS 28 &
29; 53-55 GRAND TOUR, HIGHLANDS, NEW JERSEY

WHEREAS, the applicant referred to above is the owner of the above mentioned lots, which are located in the R-1.01 Zone; and

WHEREAS, the applicant has applied for a two (2) lot Minor Subdivision with variances for the property described above. The applicant proposes to subdivide the above captioned lots into two new lots. Proposed lot 29.01 will contain an existing single family residence and proposed lot 28.01 will contain an existing carriage house accessory structure; and

WHEREAS, the variances and/or waivers required are as follows:

1. Proposed lot 29.01.
 - a. Side yard setback; Side setback- Accessory Structure Stairs and Side setback-Accessory Structure Deck. The dimensions and deficiencies are set forth on the plans, maps and application and the report prepared by T & M Associates, dated June 2, 2016 which is incorporated herein in full by reference thereto. (There is an existing encroachment by the front stairs of 6 feet).
2. Proposed lot 28.01.
 - a. Lot area of 2,834 square feet where 5,000 square feet is required.
 - b. Lot frontage of 34.12 feet where 50 feet is required.
 - c. Minimum front yard setback. There is an existing encroachment of 0.3 feet where 35 feet or the average of the setbacks for all homes within 200 feet of the subject property is required.
 - d. Side yard setback of 2.7 feet where 6 feet is the minimum required.
 - e. Side yard setback for an accessory structure of 2.2 feet where 3 feet is required.
 - f. Side yard setback for the carriage house stairs of 0 feet where 3 feet are required.
 - g. A parking variance or design waiver for providing one off street space where two are required.
 - h. There is an existing front setback encroachment of 4 feet by the stairs; 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 public hearing held on June 9, 2016; and

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

1. The property is located in the R-1.01 Zone.
2. The subject property presently consists of two lots.
3. The structures are pre-existing and have been located on the lots for many years.
4. The subdivision is for two new lots.
5. There are pre-existing non-conforming zoning bulk deficiencies not affected by this application that cannot be omitted by the applicant.
6. The Board accepts the testimony of the applicant's Professional Land Surveyor and Planner, Richard Stockton that the site is suitable for the proposed lot configuration and proposed uses; that no increase in density is proposed; that the applicant will provide adequate light and open space on the site; that a nonconforming use of the property will be removed by locating each structure on its own lot and that there will not be any substantial detriment to the zoning and development ordinances and the Borough Master Plan as a result of the subdivision and the variances.
7. The Board also finds that the proposed subdivision and variances will not result in any substantial detriment to the neighborhood in which the property is located.
8. The Board finds that the variances are necessitated by the shape, size and lot conditions; and

WHEREAS, the Board 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. If denied the applicant would suffer a "hardship" as defined in N.J.S.A. 40:55D-70c; and

WHEREAS, the Board after considering the testimony and exhibits has found the proposed two lot subdivision plan and variances to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application for a two lot minor subdivision and variances is 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 will adhere to the findings of fact set forth above.
4. The applicant agrees to enter into a Developers Agreement with the Borough, if required to do so by the Borough.

5. If required by law the approval of the application by the Monmouth County Planning Board and compliance with any conditions imposed by said Board.
6. The reciprocal easements between the subject lots and/or encroachments into any Rights of Way must be set forth writing (Deeds and/or easement agreements) and be recorded with the subdivision map or Deed(s).
7. The applicant must submit the subdivision map or Deeds and easement agreements and to the Board Engineer and Attorney for their review and approval before they are recorded.
8. The applicant will comply with all of the outstanding recommendations and conditions if any, set forth in the letter of the Board Engineer dated June 2, 2016.

Seconded by Doug Card and adopted on the following roll call vote:

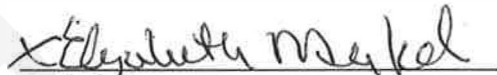
Ayes: All in attendance except as noted

Nays: None

Abstain: Mr. Stockton

August 11, 2016.

X 
Board Chairman

X 
Acting Board Secretary

I certify this to be a true copy of a Resolution adopted by the Borough of Highlands Planning Board on August 11, 2016.

X 
Acting Board Secretary