

offered the following Resolution and moved on its adoption:

**RESOLUTION
DISMISSING JANET COLEMAN APPLICATION
WITHOUT PREJUDICE**

WHEREAS, Janet Coleman filed a variance application in June 2005, which application sought a variances for side yard and vertical addition for property located at 53 Shrewsbury Avenue (Block 49 Lot 8); and

WHEREAS, the board reviewed the application at its meeting of July 7, 2005, at which time the matter was first scheduled for hearing on September 1, 2005; and

WHEREAS, the applicant was not ready to proceed, and requested that the matter be carried, which requests were approved for carrying the matter to the agendas of October 6, 2005 and November 3, 2005; and

WHEREAS, the applicant requested a requested another adjournment to the Board's meeting of December 1, 2005, which adjournment was approved to it meeting of February 2, 2006, on condition that the application proceed at the February 2, 2006 meeting, or the matter would be dismissed without prejudice; and

WHEREAS, the applicant is not able to proceed, as scheduled, at the February 2, 2006 meeting;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Zoning Board of Adjustment that the above-referenced JANET COLEMAN application (Case No. ZB 2005-5) be and is hereby dismissed without prejudice, since the applicant has not prosecuted its case. If the applicant re-files the application for variances, seeking the same relief as in the prior application, and does so prior to August 31, 2006, the Board will waive the filling fee. If application is re-filed on or after September 1, 2006, a new application and new filing fee will be required; and

BE IT FURTHER RESOLVED that any unused funds posted by the applicant shall be returned after payments of outstanding fees due to the Board's professionals.

Seconded by _____ and adopted on the following roll call vote:

ROLL CALL:

AYES:

NAYES:

ABSENT:

ABSTAIN:

DATE: February 2, 2006

CAROLYN CUMMINS, BOARD SECRETARY