

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

7/5/12

**RESOLUTION FIXING HEARING DATE AND DIRECTING
ISSUANCE OF BUILDING PERMIT, ON CONDITIONS,
FOR QUICK CHEK CORPORATION**

WHEREAS, the applicant, QUICK CHEK CORPORATION, previously obtained use variance approval from this Board, as well as final site plan approval to construct a retail convenience store and gasoline station at 450 State Highway 36, Highlands, New Jersey (Block 108, Lots 1 and 2.01), which site plan approval was subject to the applicant returning to the Board to discuss the location of remediation equipment on the site;

WHEREAS, QUICK CHEK made application to return to the Board at its meeting of June 7, 2012, for that purpose; and, though the notice to the property owners was found to be in order, the notice published in the *Asbury Park Press* was published one day late, thereby depriving the Board of jurisdiction and being able to proceed as scheduled; and

WHEREAS, the applicant requested that the Board authorize and direct the Construction Official to issue a building permit, on conditions, so that construction could be begun prior to the next hearing date; and

WHEREAS, a demolition permit was previously issued by the Construction Department to the applicant, and demolition has been completed; and

WHEREAS, the applicant's attorney represented that all bonds and escrows, as required, have been posted; and

WHEREAS, this resolution shall memorialize the action taken by the Board at its June 7, 2012, meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands as follows:

1. The hearing on the location of the remediation equipment location on the site is carried until the July 5, 2012, meeting.

2. The applicant does not need to re-notice the property owners for the new hearing date, since an announcement was made at the June 7 meeting; however, the applicant must republish at least ten days in advance of the July 5, 2012, meeting.

3. Providing there are no required items outstanding, other than the Board's approval of the location of the remediation equipment, the Board hereby authorizes and instructs the Highlands Construction Official to issue a building permit (exclusive of the remediation installation) now; and, if the Board has not approved the location of the remediation equipment by the conclusion of its August 2, 2012, meeting, the Construction Official is directed to issue a stop

work order effective August 3, 2012, so that no further construction takes place thereafter, until the Board has approved the location of the remediation equipment.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Braswell

NAYES: None

ABSTAIN: None

DATE: July 5, 2012

Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of a Resolution adopted by the Borough of Highlands Zoning Board of Adjustment at a meeting held on July 5, 2012.

BOARD SECRETARY