

9/5/13

Mr. O'Neil offered the following Resolution and moved on its adoption:

**RESOLUTION DISMISSING USE VARIANCE APPLICATION  
OF CAMCO RESOURCES**

WHEREAS, CAMCO RESOURCES, INC. (hereafter "CAMCO"), a New Jersey corporation, was a contract purchaser of property located at 62 Fifth Street (Block 66, Lots 12, 12.01, 13 and 13.01 on the Highlands tax map); and

WHEREAS, CAMCO filed an application with the Highlands Zoning Board of Adjustment seeking a use variance to construct a 12-unit townhome on the aforementioned property; and

WHEREAS, the Zoning Board reviewed the application at its meeting on December 6, 2012, and set a hearing date for January 3, 2013; and

WHEREAS, on January 3, 2013, as a result of an error by the applicant in notification to certain property owners, the Zoning Board adjourned the hearing until February 7, 2013; and

WHEREAS, the February 7, 2013, meeting was held in the local elementary school as a result of Superstorm Sandy having incapacitated the municipal building, but the recording devices available for that evening did not work, as a result of which the matter was not able to be heard, but was rescheduled to be heard on March 7, 2013; and

WHEREAS, testimony was taken in the matter at the Board's meeting on March 7, 2013, with the case scheduled to continue the following month (April 4, 2013); and

WHEREAS, at the Board's meeting of April 4, 2013, the case was adjourned until May 2, 2013, at the request of the applicant; and

WHEREAS, at the May 2, 2013, meeting, at the request of the applicant, the case was further adjourned to the September 5, 2013, meeting; however, that adjournment request was granted on the following conditions:

1. The applicant must obtain an updated 200-foot property owner list, and re-serve notice to all property owners.

2. The applicant must republish notice of the hearing.

3. On or before July 31, 2013, the applicant must provide a transcript of the March 7, 2013, hearing to the Board Secretary (because of the 6-month passage of time, the board members needed to familiarize themselves with the testimony), so that the board could copy and distribute the transcripts to the board members at the August 1 meeting, thereby giving the members time to read the transcript before the September 5 meeting.

4. Failure to comply with the timely providing of the required transcript would result in the Board considering dismissal of the case at its August 1, 2013, meeting.

AND, WHEREAS, the Board Attorney confirmed the conditions and adjournment from the May 2 meeting by letter to the applicant's attorney dated May 6, 2013; and

WHEREAS, the Board did not receive any transcript of the March 7, 2013, hearing, as a result of which, at its August 1, 2013, meeting a motion to dismiss the case without prejudice for failing to comply with the timely providing of the required transcript was passed; and

WHEREAS, this resolution shall memorialize the motion made and adopted at the Zoning Board's meeting on August 1, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of CAMCO RESOURCES, INC. be and the same is hereby dismissed without prejudice.

AND BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded by the Board Secretary to the applicant's attorney, and notice of this dismissal shall be published in the newspaper by the Board.

AND BE IT FURTHER RESOLVED that any unused escrow funds of the applicant, after satisfying any outstanding invoices by the Board's professionals and any publication costs, shall be refunded to the applicant.

Seconded by Mr. Gallagher and adopted on the following Roll call vote:

ROLL CALL:

AYES: Mr. Fox, Mr. Knox, Mr. Gallagher, Mr. O'Neil, Ms. Maresca, Mr. Braswell

NAYES: None

ABSTAIN: None

DATE: September 5, 2013

\_\_\_\_\_  
Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Zoning Board on September 5, 2013.

\_\_\_\_\_  
Board Secretary