



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-13

MEMORIALIZATION OF AMENDED MINOR SITE PLAN APPROVAL

IN THE MATTER OF THE HONORABLE PLANT, LLC
APPLICATION NO. LUB25-04

Approved: April 10, 2025
Memorialized: May 8, 2025

WHEREAS, an application for amended minor site plan approval for a conditional use with ancillary variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the "Board") by The Honorable Plant, LLC (hereinafter the "Applicant") on lands known and designated as Block 46, Lot 3, as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), and more commonly known as 123 Bay Avenue in the CBD (Central Business District) Zone and CBD Redevelopment Zone (hereinafter the subject "Property"); and

WHEREAS, a public hearing was held before the Board on April 10, 2025, with regard to this application; and

WHEREAS, the Board has heard testimony and/or comments from the Applicant's Attorney, and with the public having had an opportunity to be heard; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property contains 18,000 s.f. and is improved with a two-story 3,980 square feet footprint, mixed-use building containing vacant retail space on the first floor and

residential apartments on the second floor. The subject Property is located in the Central Business District (CBD) Zone and the CBD Redevelopment Zone of the Borough with dual frontage along Bay Avenue (County Route 8) and South Second Street.

2. The Applicant is seeking amended minor site plan approval to have Sunday hours of operation between 8 a.m. and 9 p.m. in accordance with Section 4-18.7 of the Borough Code (Hours of Operation for a Licensed Cannabis Retailer).

3. Counsel for the Applicant, Megan Doyle, Esq. stated that the Applicant previously applied for and received minor site plan approval for a conditional use with ancillary variance relief to convert the first floor of the mixed-use building into a cannabis retail store while maintaining the existing second floor residential apartment space, which request was approved by the Land Use Board on December 20, 2022 and memorialized in Resolution No. LUB-2023-08, dated February 9, 2023.

4. Resolution No. LUB-2023-08 contained, as a condition of approval, a limitation on the Sunday hours of operation to the hours between 12 p.m. and 5 p.m.

5. The Board Attorney stated that in the initial application and during the December 20, 2022 hearing date, the Applicant had agreed to limit the hours of operation on Sundays to the hours between 12 p.m. and 5p.m. because there was a church located adjacent to the subject Property to the west, with Sunday religious meetings/prayer services.

6. The Board stated that the church located adjacent to the subject Property is no longer in operation and, thus, there are no longer Sunday meetings and/or religious services.

7. At the time of the initial application and during the December 20, 2022 hearing date, Section 4-18.7 of the Borough Code (Hours of Operation for a Licensed Cannabis Retailer) limited

Sunday hours of operation for licensed cannabis retailers to between the hours of 10 a.m. and 5 p.m.

8. On February 5, 2025, the Borough adopted Ordinance No. O-25-01, which amended Section 4-18.7 of the Code to provide for the following hours of operation for licensed cannabis retailers: 8:00 a.m. to 9:00 p.m. Sunday through Wednesday and 8:00 a.m. to 10:00 p.m. Thursday through Saturday.

9. Ms. Doyle detailed that Applicant is requesting to amend Resolution No. LUB-2023-08, dated February 9, 2023, to allow the Applicant to operate Sunday hours to the maximum extent permitted by Section 4-18.7 of the Borough Code, between the hours of 8 a.m. and 9 p.m.

10. There were no members of the public expressing an interest in this application.

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant's request for amended minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c(2) and conditional use approval pursuant to N.J.S.A. 40:55D-67 should be granted in this instance.

The Applicant in the instant matter is not seeking any additional relief and is, in fact, requesting to operate Sunday hours to the maximum extent permitted by Section 4-18.7 of the Borough Code, between the hours of 8 a.m. and 9 p.m. The Applicant had previously agreed to

restrict Sunday hours of operation to the hours between 12 p.m. and 5 p.m., because a religious organization was located adjacent to the subject Property, which restriction was memorialized in Resolution No. LUB-2023-08, dated February 9, 2023, as a condition of approval.

The religious organization is no longer in operation and, thus, limited Sunday hours of operation are no longer needed to avoid potentially conflicting with Sunday religious services and/or meetings. Additionally, on February 5, 2025, the Borough adopted Ordinance 25-01, which amended Section 4-18.7 of the Borough Code to provide for the following hours of operation for licensed cannabis retailers: 8:00 a.m. to 9:00 p.m. Sunday through Wednesday and 8:00 a.m. to 10:00 p.m. Thursday through Saturday.

In view of the above, this Board finds that it is appropriate to grant amended minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c(2) and conditional use approval pursuant to N.J.S.A. 40:55D-67.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 8th day of May 2023, that the action of the Land Use Board taken on April 10, 2025, granting Application No. LUB 2022-08 and LUB-2025-04, for amended minor site plan approval pursuant to N.J.S.A. 40:55D-46.1, with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c(2) and conditional use approval pursuant to N.J.S.A. 40:55D-67 is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The conditions of the Land Use Board Resolution, dated February 9, 2023 continue to be in effect and are incorporated herein, except to the extent modified by this Resolution.

4. Any future modifications to this approved plan must be submitted to this Board for approval.
5. The Applicant shall provide a certificate that taxes are paid to date of approval.
6. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
7. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF:
SECONDED BY:
ROLL CALL:
YES:
NO:
RECUSED: Ms. Chang
INELIGIBLE:
ABSENT:
DATED: May 8, 2025

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on May 8, 2025.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS PLANNING BOARD
EXHIBITS
Case No. LUB25-04: The Honorable Plant, LLC
Amended Minor Site Plan Approval
April 10, 2025

Initial Minor Site Plan Approval

- A-1 Land Use Board Application, dated 10/21/2022 (7 pages)
- A-2 Architectural & Site Plans prepared by Rathunas LLC, dated 10/21/2022 (4 pages)
- A-3 Site Plans prepared by Rathunas LLC dated, 10/21/2022 (1 page)
- A-4 Zoning Permit Application dated, 10/10/2022 (1 page)
- A-5 Letter from Zoning Official, dated 10/19/2022 (1 page)
- A-6 Resolution 22-216 of the Borough of Highlands, dated 10/5/2022 (1 page)
- A-7 Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated 10/27/2022 (3 pages)
- A-8 Business Plan/Operational report/narrative, undated (15 pages)
- A-9 Architectural & Site Plans prepared by Rathunas LLC, dated 11/23/2022 (7 pages)
- A-10 Color Rendering Exhibit prepared by Andrew R. Stockton, P.E., P.L.S., of Eastern Civil Engineering, LLC, dated 11/29/2022 (1 page)
- B-1 Board Engineer Completeness Letter by Edward Herrman, dated 11/2/2022 (4 pages)
- B-2 Board Engineer Review Letter by Edward Herrman, dated 11/16/2022 (13 pages)
- B-3 Board Engineer Amended Review Letter by Edward Herrman, dated 12/16/2022 (15 pages)

Amended Minor Site Plan Approval

- A-11 Land Use Board Application, dated March 5, 2025 (5 pages)