



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-24

MEMORIALIZATION OF 41-DAY EXTENSION OF MINOR SUBDIVISION APPROVAL
WITH BULK VARIANCE RELIEF

Approved: August 14, 2025
Memorialized: August 14, 2025

IN THE MATTER OF KIRSH KRAFT, LLC
APPLICATION NO. LUB2022-04

WHEREAS, an application for an extension of time for minor subdivision approval with bulk variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the "Board") by Kirsh Kraft, LLC (hereinafter referred to as the "Applicant") on lands known and designated as Block 57, Lots 8 and 9 as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), more commonly known as 9 Fifth Street in the R-2.02 (Residential) Zone (hereinafter "Property"); 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; and

WHEREAS, a public hearing was held before the Board on August 14, 2025, with regard to this application.

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 Applicant is seeking a 41-day extension of time, until August 30, 2025, for the minor subdivision approval with bulk variance relief granted by the Board on July 11, 2024, and memorialized in a Resolution dated August 8, 2024 bearing Resolution No. 2024-15, as well as from the 75-day extension of the minor subdivision approval with bulk variance relief, until April 22, 2025, which was granted by the Board on February 13, 2025, and memorialized in a Resolution dated March 13, 2025, bearing Resolution No. 2025-10, as well as from the 90-day extension of the minor subdivision approval with bulk variance relief, until July 21, 2025, which was granted by the Board on May 8, 2025, and memorialized in a Resolution dated June 12, 2025, bearing Resolution No. 2025-16.

2. The Applicant was granted minor subdivision approval with bulk variance relief to create two (2) single-family dwelling lots, which approval required, as a condition of approval, that the Applicant submit a deed of easement with adjacent Lot 5 subject to review and approval by the Board's Professionals.

3. The Applicant was previously granted a 75-day extension of time, until April 22, 2025, pursuant to N.J.S.A. 40:55D-47(f) and (g).

4. The Applicant was previously granted a 90-day extension of time, until July 21, 2025, pursuant to N.J.S.A. 40:55D-47(f) and (g).

5. The Applicant is now seeking a 41-day extension of time, until August 30, 2025, pursuant to N.J.S.A. 40:55D-47(f) and (g).

6. The Applicant submitted correspondence to the Board from its Professional Planner, John E. Taikina, PP, AICP, dated August 10, 2025, as well as from its Attorney, Henry F. Wolff, III, Esq., dated August 13, 2025, requesting an extension of time to record the necessary deeds with the County of Monmouth. Although Mr. Wolff's August 13, 2025, letter proposed a different amount of time for the extension request than did Mr. Taikina's letter, Mr. Wolff confirmed that the Applicant was seeking a 41-day extension of time, until August 30, 2025, as set forth in Mr. Taikina's submission.

7. The Applicant's letters explained the reasons for the extension request, that the Applicant has been diligently pursuing approvals, that the delays have been the result of the need to obtain governmental approvals, and that additional time was needed to correct errors in the previously executed subdivision deeds.

8. The Applicant's letters advised the Board that an extension of time, until August 30, 2025, would provide sufficient time for the deeds to be executed and recorded.

9. The Applicant's Attorney, Henry F. Wolff, III, Esq. was present for the August 14, 2025, hearing and provided the Board with additional details and justifications, in support of the Applicant's 41-day extension of time request.

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

11. The Board has received, reviewed, and considered the Applicant's August 10, 2025 and August 13, 2025 written requests for an extension, Mr. Wolff's presentation to the Board, as well as the Land Use Board Resolution granting minor subdivision approval with bulk variance

relief, dated August 8, 2024, pursuant to N.J.S.A. 40:55D-47, the Land Use Board Resolution granting a 75-day extension of the minor subdivision approval with bulk variance relief, dated March 13, 2025, and the Land Use Board Resolution granting a 90-day extension of the minor subdivision approval with bulk variance relief, dated June 12, 2025.

12. All exhibits, resolutions, and statements have been incorporated herein in their entirety.

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 concludes that good cause has been shown to approve the application of Kirsh Kraft, LLC for a forty-one (41) day extension of time, until August 30, 2025, pursuant to N.J.S.A. 40:55D-47.

The Board acknowledges that the Applicant has diligently pursued outside approvals, such as filing of the necessary deeds, but that due to circumstances beyond its control the Applicant has faced unavoidable and unexpected delays. The Board, therefore, finds that a 41-day extension, until August 30, 2025, pursuant to N.J.S.A. 40:55D-47 is appropriate in this circumstance.

The Board further determines that a forty-one (41) day extension is sufficient under the circumstances and provides the Applicant with a sufficient amount of time to resubmit the deeds for execution and recording.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 14th day of August, 2025, that the action of the Land Use Board taken on August 14, 2025, granting Application No. LUB2022-04 of Kirsh Kraft, LLC for a forty-one (41) day extension of time, until August 30, 2025, for minor subdivision approval with bulk variance relief be and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted a 41-day extension of time for minor subdivision approval with bulk variance relief, until August 30, 2025.
2. All terms and conditions of the Board's previous approvals, except as satisfied or

amended, shall remain in place.

3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. 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.
5. 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:
ABSTAINED:
INELIGIBLE:
ABSENT:
DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on August 14, 2025.

Nancy Tran, Board Secretary
Borough of Highlands Land Use Board