



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

LAND USE BOARD RESOLUTION 2024-21

**MEMORIALIZATION EXTENSION OF PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL WITH BULK VARIANCE RELIEF**

**Approved: November 14, 2024
Memorialized: December 12, 2024**

**MATTER OF ARJIKA PROPERTIES, INC.
APPLICATION NO. LUB-2022-01**

WHEREAS, an application for an extension of time for preliminary and final major site plan approval with bulk variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the "Board") by Arjika Properties, Inc. (hereinafter referred to as the "Applicant") on lands known and designated as Block 81, Lot 12 on the official Tax Map of the Borough of Highlands ("Borough") and more commonly known as 289 Bay Avenue, Highlands, N.J. 07732 in the CBD (Central Business District) Zone ("Property"); and

WHEREAS, a public hearing was held before the Board on November 14, 2024 with regard to this application; and

WHEREAS, on or about October 31, 2024, the Board received an email request for an extension of preliminary and final major site plan approval and at the November 14, 2024 hearing, heard statements from the Board Secretary and Board Attorney regarding the request, 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 Applicant is seeking an extension of time for the preliminary and final major site plan approval with bulk variance relief granted by the Board on July 14, 2022 and memorialized in a Resolution dated September 8, 2022.

2. The Applicant was granted preliminary and final major site plan approval with bulk variance relief to construct a three-story, mixed-use commercial-residential building with 1,450 s.f. of retail space on the first floor and four (4) one-bedroom apartments on the second and third floors, each including a deck or balcony. Off-street parking is proposed, with one-way proposed circulation through the subject Property

3. The Applicant did not testify at the hearing but submitted an email to the Board requesting an extension of time. The Applicant's email dated October 31, 2024 explained that the reason for the extension request was to allow additional time to comply with the flood proof requirements and the application of flood panels, as well as seeking a specialized craftsmen to install such flood panels. The Board Attorney also stated that he had confirmed with the Applicant via telephone call that the Applicant was seeking a one-year extension.

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

5. The Board has received, reviewed, and considered the Applicant's October 31, 2024 email request for an extension of time of the Resolution approving preliminary and final major site plan approval with bulk variance relief dated September 8, 2022 pursuant to N.J.S.A. 40:55D-52. 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 Arjika Properties, Inc. for an one-year extension of time for preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-52.

The Board acknowledges that the Applicant has diligently pursued to comply with outside agency regulations and that due to circumstances beyond its control has faced unavoidable and unexpected delays. The Board, therefore, finds that a one-year extension of time is appropriate in this circumstance pursuant to N.J.S.A. 40:55D-52.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 12th day of December 2024, that the action of the Land Use Board taken on November 14, 2024 granting Application No. LUB-2022-01 of Arjika Properties, Inc. a one-year extension of time for preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-52 and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted a one-year extension of time.
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.

ON MOTION OF:
SECONDED BY:
ROLL CALL:
YES:
NO:
ABSTAINED:
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 December 12, 2024.

Nancy Tran, Secretary
Borough of Highlands Land Use Board