



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2026-15
MEMORIALIZATION OF
APPROVAL OF EXTENSION OF MINOR SUBDIVISION APPROVAL
WITH ANCILLARY VARIANCE RELIEF

Approved: May 14, 2026
Memorialized: June 11, 2026

IN THE MATTER OF CHRISTOPHER MATTINA
APPLICATION NO. LUB2021-05

WHEREAS, an application for a 15-month extension of time for minor subdivision approval granted pursuant to LUB Resolution No. 2022-09 has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the “Board”) by Marissa and Darren Kaplan, and Christopher and Rosemarie Mattina (hereinafter referred to as the “Applicants”)¹ on lands known and designated as Block 12, Lots 4.01 and 4.02, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more specifically located at 149 Portland Road, Highlands, New Jersey, in the R-1.03 Single-Family Residential (R-1.03) Zone District (hereinafter “Property”); and

WHEREAS, a live public hearing was held before the Board on May 14, 2026, with regard to this application; and

WHEREAS, the Board has heard testimony (if any) and reviewed the submissions, and with the public having had an opportunity to be heard; and

¹ The initial application and approval were in the name of “Christopher Mattina” *only* and shall continue to be referred to by that name for the purposes of this resolution.

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 based on evidence presented by the Applicants during their public hearing at which a record was made:

1. The subject Property includes two (2) lots which contain a total of 37,908 s.f. Lot 4.01 contains 13,439 s.f. and is improved with a two-story single-family dwelling. Lot 4.02 contains 24,469 sf and is vacant. Both lots are located within the R 1.03 Single-Family Residential Zone with frontage along Portland Road.

2. On February 10, 2022, the Board granted minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c with design waiver relief pursuant to N.J.S.A. 40:55D-51 and a planning variance pursuant to N.J.S.A. 40:55D-35 and 36, which approval was memorialized in a Resolution dated March 10, 2022 as LUB Resolution No. 2022-09.

3. On April 12, 2022, one of the neighboring property owners, Eric Wokas, filed a complaint in lieu of prerogative writs (Docket No. MON-L-1016-22), challenging the Board's approval. The Law Division denied the challenge and affirmed the Board's approval in a decision dated April 17, 2023.

4. Mr. Wokas appealed the trial court decision to the Appellate Division (Docket No. A-2915-22) and on January 7, 2025, the Appellate Division issued a decision, denying Mr. Wokas's appeal and affirming the Board's approval. The litigation was not appealed further.

5. Counsel for the Applicants, Thomas J. Hirsch, Esq., submitted a legal position,

dated April 30, 2026, requesting an extension of time within which the Applicants can file the appropriate deeds to perfect the minor subdivision. Mr. Hirsch supplemented his submission, with further discussion at the May 14, 2026 hearing.

6. Mr. Hirsch explained that after the Appellate Division issued its decision in January of 2025, the Applicants' engineer commenced moving forward, preparing plans that were required as a condition of approval for LUB Resolution No. 2022-09, which plans had to be submitted to the Board Engineer for approval.

7. As a further condition of approval, the Applicants were required to provide a detailed easement that would run from Lot 4.01 to Lot 4.02, providing access from Portland Road to Lot 4.02 over a portion of Lot 4.01, and a Maintenance Agreement concerning said easement area.

8. Mr. Hirsch continued that the subdivision approval also required that a portion of Lot 4.01 be transferred to Lot 4.02 and that certain portions of Lot 4.02 be transferred to Lot 4.01.

9. Subsequently, the Applicants' Engineer and the Board Engineer's office exchanged information on the above issues and various revisions were made to the plans to meet resolution compliance, with an initial proposed final set of plans having been submitted on August 25, 2025.

10. The Board Engineer issued a review report, dated December 11, 2025, outlining deficiencies with the plans and identifying outstanding matters that needed to be addressed upon resubmission, before resolution compliance could be attained.

11. After the December 11, 2025 report, the Applicants' Professionals and the Board's Professionals met to clarify any outstanding issues and to address what additional plans and/or items needed to be submitted for resolution compliance.

12. As of the May 14, 2026 hearing date, the Applicants' Engineer is revising and

resubmitting plans as requested, in furtherance of resolution compliance, but the Applicants are still awaiting final approval before they can establish resolution compliance, without which they cannot have the subdivision deeds signed by the Board Chairman and Secretary and recorded, in order to perfect the subdivision.

13. Mr. Hirsch explained that pursuant to N.J.S.A. 40:55D-47(e), the approval of the minor subdivision results in the subdivided lots being protected from any development changes for a two-year period, which period can be extended by the Board.

14. He continued that N.J.S.A. 40:55D-47(d) provides that a minor subdivision shall expire, unless filed within 190 days of the date “on which the resolution of municipal approval is adopted”

15. Mr. Hirsch also added that N.J.S.A. 40:55D-47(f) permits a board to extend the 190-day period “if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals.”

16. Mr. Hirsch argued that instead of the date of the resolution, the operative date for N.J.S.A. 40:55D-47, should be the Appellate Division’s decision, January 7, 2025, because the Applicants could not have proceeded with the approval unless and until the litigation had concluded.

17. Mr. Hirsch continued that, accordingly, the two-year protection period of N.J.S.A. 40:55D-47(e) would not expire until January 7, 2027, but that the deadline to file the deeds to perfect the subdivision pursuant to N.J.S.A. 40:55D-47(d), would have expired on July 7, 2025 (190 days from the January 7, 2025 date).

18. The Applicants submitted that they have diligently pursued approvals from governmental or quasi-governmental entities, which have been complicated by the complex site plan issues and substantial amount time needed for the professionals to perform their due diligence in making reviews and providing responses.

19. The Applicants maintained there is no evidence of prejudice to the Borough or surrounding property owners as the underlying approval remained the same as previously granted by the Land Use Board and subsequently upheld by the Appellate Division and there had been no intervening changes in the development regulations that could impact the property as a result of the two-year statutory protections afforded by N.J.S.A. 40:55D-47(e).

20. For the foregoing reasons, the Applicants requested that the 190-day period of N.J.S.A. 40:55D-47(d) be extended for 15-months, from July 7, 2025, until October 7, 2026, pursuant to N.J.S.A. 40:55D-47(f).

21. The Board inquired whether a two-year extension would be more appropriate, to which the Applicants counsel responded in the negative, reiterating that a 15-month extension would be appropriate under the circumstances.

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

NOW, THEREFORE, the Board makes the following conclusions of law based upon the foregoing findings of fact:

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 the Applicants for a 15-month extension of time, until October 7, 2026, pursuant to N.J.S.A. 40:55D-47.

The Board acknowledges that the Applicants have diligently pursued outside approvals, but that due to the complexities of the site plan, necessary revisions thereto, the amount of time taken by the Board's Professionals in diligently and thoroughly reviewing the submissions for compliance, and additional circumstances beyond their control, such as the intervening litigation filed by Mr. Wokas, which did not conclude until January 7, 2025, the Applicants have faced unavoidable and unexpected delays. The Board further finds and agrees that the operative date for N.J.S.A. 40:55D-47 should be January 7, 2025, the date the litigation, challenging LUB Resolution No. 2022-09 concluded. Prior to that date, for reasons that were outside of their control, the Applicants could not have complied with LUB Resolution No. 2022-09 and the conditions of approval thereto. The Board, therefore, finds that a 15-month extension from July 7, 2025, which is when the 190-day filing period expired, until October 7, 2026, pursuant to N.J.S.A. 40:55D-47 is appropriate in this circumstance.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 11th day of June, 2026, that the action of the Land Use Board taken on May 14, 2026 granting Application No. LUB-2021-05 of Marissa and Darren Kaplan, and Christopher and Rosemarie Mattina for a 15-month extension of time, until October 7, 2026, for LUB Resolution No. 2022-09 for minor subdivision approval with ancillary 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 15-month extension of time for LUB Resolution No. 2022-09 minor subdivision approval with ancillary variance relief, until October 7, 2026.

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 on the Borough website and 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: MR. KNOX

SECONDED BY: MS. LA RUSSA

ROLL CALL:

YES: MAYOR BROULLON, MR. BURTON, MS. LARUSSA, COUNCIL MEMBER OLSZEWSKI, MR.

SAYAH, MR. ZILL, MS. TIERNEY, MR. KNOX, MS. CHANG, MRS. VICKERY

NO: NONE

ABSTAINED: MR. MONTECALVO, MR. CODY

INELIGIBLE: NONE

ABSENT: MR. CRAMER

DATED: JUNE 11, 2026

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 June 11, 2026.

Kate Maloney, Secretary
Borough of Highlands Land Use Board