



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-08
MEMORIALIZATION
EXTENSION OF BULK VARIANCE RELIEF

Approved: January 6, 2022
Memorialized: February 10, 2022

MATTER OF DONNA ALVATOR

APPLICATION NO. LUB-2019-01

WHEREAS, an application for a two-year extension of time for bulk variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Donna Alvator (hereinafter referred to as the “Applicant”) on lands known and designated as Block 35, Lots 6 and 7 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), more commonly known as 10 North Peak Street, within the R-1.01 (Residential) Zone (hereinafter “Property”); and

WHEREAS, a public hearing was held before the Board on January 6, 2022 with regard to this application; and

WHEREAS, on or about December 16, 2021, the Board received a written request for an extension from the Applicant and at the January 6, 2022 hearing, heard statements from the Board Engineer 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 a two-year extension of time for the bulk variance relief granted by the Board on August 1, 2019 and memorialized in a resolution dated September 5, 2019.

2. The Applicant was granted bulk variance relief from the R-1.01 Zone's minimum lot depth, front-yard setback, rear-yard setback, and side-yard setback requirements, to (a) construct a lateral addition on the first floor, (b) construct a new sunroom, (c) enlarge the existing kitchen within the southwesterly side-yard, and (d) construct a second floor addition.

3. The Applicant did not testify at the hearing but submitted a letter to the Board, requesting the extension and stating that she has diligently tried to perform the construction but that the COVID-19 pandemic had caused unexpected and unavoidable delays, which has prohibited the Applicant from working on the Property.

4. The Board Attorney stated that, the variance relief expired one-year from the date of memorialization pursuant to Section 21-12A-0 of the Borough Code. He advised that a request for an extension of time for variance relief could be made at any time.

5. The Borough Engineer testified that the Applicant had been diligently trying to undertake the construction, as required.

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

7. The Board has received, reviewed, and considered the Applicant's December 16, 2021 written request for an extension, Land Use Board Resolution Approving Bulk Variances for Alvator dated September 5, 2019 and its associated exhibits, and the statements made at the

hearing with regard to this application. 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 Donna Alvator for a two-year extension of time for bulk variance relief until September 5 2022.

The Board acknowledges that the Applicant has diligently attempted to perform construction on the subject Property but that due to circumstances beyond her control, namely the COVID-19 pandemic, she has faced unavoidable and unexpected delays, and been unable to do so. The Board, therefore, finds that an extension of time to September 5, 2022 is appropriate in this circumstance.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 10th day of February 2022, that the action of the Land Use Board taken on January 6, 2022 granting Application No. LUB-2019-01 of Donna Alvator for an extension of time for 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 an extension of time expiring September 2, 2022.

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: Ms. LaRussa

SECONDED BY: Mr. Montecalvo

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee,

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 February 10, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board