



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-08

**MEMORIALIZATION OF SECOND EXTENSION OF USE VARIANCE RELIEF WITH
PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL**

**Approved: November 9, 2023
Memorialized: January 11, 2024**

**MATTER OF LDN, LLC
APPLICATION NO. LUB-2021-01**

WHEREAS, an application for a second extension of time for use variance relief with preliminary and final major subdivision approval has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by LDN, LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Block 54, Lot 7.01 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), more commonly known as 49 Miller Street in the CBD (Central Business District) Zone (hereinafter “Property”); and

WHEREAS, a public hearing was held before the Board on November 9, 2023 with regard to this application; 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 use variance relief with preliminary and final major subdivision granted by the Board on November 4, 2021 and memorialized in a Resolution dated December 2, 2021.

2. The Applicant was granted use variance relief with preliminary and final major subdivision relief to create five (5) single-family dwelling lots. Single-family dwellings are not a permitted use in the CBD Zone and, use variance relief pursuant to N.J.S.A. 40:55D-70d(1) was therefore required.

3. The Applicant was previously granted a one (1) year extension of time in a Resolution memorialized on November 9, 2023.

4. The Applicant is now requesting a second one (1) year extension of time.

5. The Applicant did not testify at the hearing but submitted a letter to the Board from attorney requesting the extension of time for the Board to sign off on the Final Plat. The Applicant's letter explained that the reason for the extension request was that the Board had misplaced the Applicant's paperwork submitted for final plat approval in July of 2022, which had to subsequently be resubmitted.

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 June 30, 2023 written request for an extension, Land Use Board Resolution granting use variance relief with preliminary and final major subdivision approval dated December 2, 2021 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 LDN, LLC for a second one (1) year extension of time pursuant to N.J.S.A. 40:55D-52.

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

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 11th day of January, 2024, that the action of the Land Use Board taken on November 9, 2023 granting Application No. LUB-2021-01 of LDN, LLC for a second one (1) year extension of time for use variance relief with preliminary and final major subdivision be and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted a second one (1) 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 January 11, 2024.

Nancy Tran, Secretary
Borough of Highlands Land Use Board