



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2023-16
MEMORIALIZATION OF EXTENSION OF MINOR SUBDIVISION APPROVAL
WITH ANCILLARY VARIANCE RELIEF

Approved: August 10, 2023
Memorialized: November 9, 2023

MATTER OF MARIE MARTIN
APPLICATION NO. LUB2022-06

WHEREAS, an application for an extension of time for minor subdivision approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Marie Martin (hereinafter referred to as the “Applicant”) on lands known and designated as Block 77, Lot 15 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), more commonly known as 15 Barberie Avenue in the R-2.01 (Single Family Residential) Zone (hereinafter “Property”); and

WHEREAS, a public hearing was held before the Board on August 10, 2023 with regard to this application; and

WHEREAS, on or about June 22, 2023, the Board received a written request for an extension of minor subdivision approval from the Applicant and at the August 10, 2023 hearing, heard statements from the Board Secretary 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 minor subdivision approval with ancillary variance relief granted by the Board on October 13, 2022 and memorialized in a Resolution dated December 20, 2022.

2. The Applicant was granted minor subdivision approval with ancillary variance relief to subdivide the subject Property into two (2) new lots. Proposed Lot 15.01 would contain the existing two-story, single-family dwelling. The minimum front yard setback of the existing dwelling would be nine (9) feet, whereas 20 feet is required, therefore variance relief was required. Variance relief was also granted for the maximum building coverage of 35.56% for proposed Lot 15.01, whereas a maximum of 33% was permitted. The proposed dwelling on proposed Lot 15.02 would comply with the Zoning Ordinance.

3. The Applicant did not testify at the hearing but submitted a letter to the Board from her counsel, requesting the extension of 180 days. The Applicant's letter dated June 22, 2023 explained that the reason for the extension request was to allow additional time to complete the filing with the County Clerk due to delays with third-party approvals.

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 June 22, 2023 written request for an extension of time of the Resolution approving minor subdivision approval with ancillary variance relief dated December 20, 2022 pursuant to N.J.S.A. 40:55D-47. 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 Marie Martin for a 180-day extension of time for minor subdivision approval pursuant to N.J.S.A. 40:55D-47.

The Board acknowledges that the Applicant has diligently sought filing with the County Clerk and obtaining outside approvals and that due to circumstances beyond her control has faced unavoidable and unexpected delays. The Board, therefore, finds that a 180-day extension of time is appropriate in this circumstance pursuant to N.J.S.A. 40:55D-47.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 9th day of November 2023, that the action of the Land Use Board taken on August 10, 2023 granting Application No. LUB-2022-06 of Marie Martin an extension of time for minor subdivision approval with ancillary variance relief pursuant to N.J.S.A. 40:55D-47 and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted a 180-day 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 November 9, 2023.

Nancy Tran, Secretary
Borough of Highlands Land Use Board