



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2023-15
MEMORIALIZATION OF EXTENSION OF USE VARIANCE RELIEF WITH
PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL

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

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

WHEREAS, an application for an 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 August 10, 2023 with regard to this application; and

WHEREAS, on or about June 30, 2023, the Board received a written request for an extension 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 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 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 which was on the Board's agenda for July 13, 2023. The Applicant's letter also 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.

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 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 one-year extension of time pursuant to N.J.S.A. 40:55D-52.

The Board acknowledges that the Applicant has diligently outside approvals and final plat from the Board but that due to circumstances beyond its control the Applicant has faced unavoidable and unexpected delays. The Board, therefore, finds that an 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 9th day of November 2023, that the action of the Land Use Board taken on August 10, 2023 granting Application No. LUB-2021-01 of LDN, LLC for an 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 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 November 9, 2023.

Nancy Tran, Secretary
Borough of Highlands Land Use Board