



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**LAND USE BOARD RESOLUTION 2024-14**  
**MEMORIALIZATION OF SECOND EXTENSION OF MINOR SUBDIVISION**  
**APPROVAL WITH ANCILLARY VARIANCE RELIEF**

**Approved: May 9, 2024**  
**Memorialized: June 13, 2024**

**MATTER OF MARIE MARTIN**  
**APPLICATION NO. LUB-2022-06**

**WHEREAS**, an application for a second 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 May 9, 2024 with regard to this application; and

**WHEREAS**, on or about May 2, 2024, the Board received a written request for a second extension of minor subdivision approval and at the May 9, 2024 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 a second 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 retain 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 to permit 35.56% building coverage 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 was subsequently granted a 180-day extension of time.

4. The Applicant did not testify at the hearing but submitted a letter to the Board from her counsel, requesting an additional extension 180 day extension. The Applicant's letter dated May 2, 2024 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.

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

6. The Board has received, reviewed, and considered the Applicant's May 2, 2024 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 an additional 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 pursued outside approvals and that due to circumstances beyond her control has faced unavoidable and unexpected delays. The Board, therefore, finds that an additional 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 13<sup>th</sup> day of June 2024, that the action of the Land Use Board taken on May 9, 2024 granting Application No. LUB-2022-06 of Marie Martin an additional 180-day 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 an additional 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: Vice Chair Tierney

SECONDED BY: Ms. LaRussa

ROLL CALL:

YES: Ms. LaRussa, Mr. Zill, Vice Chair Tierney, Acting Chair Kutosh

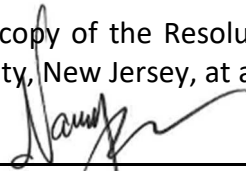
NO:

INELIGIBLE: Mr. Montecalvo, Ms. Chang

ABSENT: Mayor Broullon, Chief Burton, Councilmember Olszewski, Mr. Cramer, Mr. Cody, Ms. Vickery, Chair Knox

DATED: June 13, 2024

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 13, 2024.

  
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Nancy Tran, Secretary  
Borough of Highlands Land Use Board