



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-10

**MEMORIALIZATION OF 75-DAY EXTENSION OF MINOR SUBDIVISION APPROVAL
WITH BULK VARIANCE RELIEF**

**Approved: February 13, 2025
Memorialized: March 13, 2025**

**IN THE MATTER OF KIRSH KRAFT, LLC
APPLICATION NO. LUB-2022-04**

WHEREAS, an application for a 75-day extension of time for minor subdivision approval with bulk variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the "Board") by Kirsh Kraft, LLC (hereinafter referred to as the "Applicant") on lands known and designated as Block 57, Lots 8 and 9 as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), more commonly known as 9 Fifth Street in the R-2.02 (Residential) Zone (hereinafter "Property"); 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; and

WHEREAS, a public hearing was held before the Board on February 13, 2025 with regard to this application.

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 75-day extension of time, until April 22, 2025, for the minor subdivision approval with bulk variance relief granted by the Board on July 11, 2024 and

memorialized in a Resolution dated August 8, 2024.

2. The Applicant was granted minor subdivision approval with bulk variance relief to create two (2) single-family dwelling lots, which approval required, as a condition of approval, that the Applicant submit a deed of easement with adjacent Lot 5 subject to review and approval by the Board's Professionals.

3. The Applicant is now requesting a 75-day extension of time, until April 22, 2025, pursuant to N.J.S.A. 40:55D-47(f) and (g).

4. The Applicant did not testify at the hearing but submitted a letter to the Board from its Professional Planner, John E. Taikina, PP, AICP, dated February 10, 2025, requesting the 75-day extension of time to record the necessary deeds with the County of Monmouth.

5. The Applicant's February 10, 2025 letter explained that the reason for the extension request was that the Applicant had been delayed in obtaining a deed of easement acceptable to the adjacent Lot 5 and, thus, the Applicant needed additional time to obtain a deed of easement acceptable to the adjacent property owner, for the deed of easement to then be approved by the Board's Professionals, and subsequently recorded with the County.

6. The Applicant's Attorney, Henry Wolff, III, Esq. appeared at the hearing and further explained that the Applicant had submitted deeds to the Board Professionals for review, but that revisions needed to be made thereto before they could be approved, and thereafter recorded with the County.

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

8. The Board has received, reviewed, and considered the Applicant's February 10, 2025 written request for an extension, as well as the Land Use Board Resolution granting minor

subdivision approval with bulk variance relief dated August 8, 2024 pursuant to N.J.S.A. 40:55D-47.

9. 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 Kirsh Kraft, LLC for a seventy-five (75) day extension of time, until April 22, 2025, pursuant to N.J.S.A. 40:55D-47.

The Board acknowledges that the Applicant has diligently pursued outside approvals, such as filing of the necessary deeds, but that due to circumstances beyond its control the Applicant has faced unavoidable and unexpected delays. The Board, therefore, finds that a 75-day extension, until April 22, 2025, pursuant to N.J.S.A. 40:55D-47 is appropriate in this circumstance.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 13th day of March, 2025, that the action of the Land Use Board taken on February 13, 2025 granting Application No. LUB-2024-04 of Kirsh Kraft, LLC for a seventy-five (75) day extension of time, until April 22, 2025, for minor subdivision approval with 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 a 75-day extension of time for minor subdivision approval with bulk variance relief, until April 22, 2025.

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.



Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF: Mr. Sayah

SECONDED BY: Mr. Zill

ROLL CALL:

YES: Ms. LaRussa, Mr. Montecalvo, Mr. Sayah, Mr. Zill, Ms. Chang, Mr. Cramer

NO: None

ABSTAINED: None

INELIGIBLE: Mayor Broullon

ABSENT: Chief Burton, Councilmember Olszewski, Vice Chair Tierney

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 March 13, 2025.



Nancy Tran, Board Secretary
Borough of Highlands Land Use Board