



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2026-13
MEMORIALIZATION OF
APPROVAL OF TWO-YEAR EXTENSION OF BULK VARIANCE RELIEF

Approved: February 12, 2026
Memorialized: March 12, 2026

IN THE MATTER OF LW MANAGEMENT & MAINTENANCE LLC
APPLICATION NO. LUB2023-02

WHEREAS, an application for a two-year extension of time for bulk variance relief granted pursuant to LUB Resolution No. 2023-18 has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the "Board") by LW Management & Maintenance LLC (hereinafter referred to as the "Applicant") on lands known and designated as Block 101, Lot 27.04, as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), and more specifically located at 17 Locust Street, Highlands, New Jersey, in the R-1.03 Single-Family Residential (R-1.03) Zone District (hereinafter "Property"); and

WHEREAS, a live public hearing was held before the Board on February 12, 2026, with regard to this application; and

WHEREAS, the Board has heard testimony (if any) and reviewed the submissions, 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

based on evidence presented by the Applicant during its public hearing at which a record was made:

1. The subject property is a pre-existing non-conforming, and undersized lot located in the R-1.03 Zone. The lot is currently undeveloped.

2. On November 9, 2023, the Board granted bulk variance relief to Catcherman, LLC, the prior owner of the subject Property, to construct a single-family dwelling on the subject Property, which approval was memorialized in a Resolution dated December 14, 2023, as LUB Resolution No. 2023-18.

3. Sec. 21-17A.9 of the Borough Code provides that variances "shall expire in one (1) year unless an extension of the time period is granted or the variance is exercised by either the erection or alteration of structures, the commencement of use, the submission of required subdivision or site plan application, or the specific terms of the original variance. Any appeal to the Governing Body or court of competent jurisdiction shall suspend the running time for the period of the appeal."

4. The Applicant is seeking a two-year extension of time pursuant to Sec. 21-17A.9 of the Code, until December 14, 2026, for the bulk variance relief granted by the Board in LUB Resolution No. 2023-18.

5. The Applicant purchased the subject Property in November of 2024, at which time it was under the mistaken belief that the variance approval did not expire until two years from the date of the approval.

6. The Applicant submitted correspondence dated December 3, 2025, requesting the extension and advising the Board that it has encountered delays from multiple agencies involved in the project. The correspondence continued that there were prolonged periods of review

related to the stormwater report and the evaluation of water pressure at street level. The Applicant supplied copies of the Stormwater Report, dated December 1, 2025.

7. The Applicant's correspondence stated that there were also unforeseen delays in coordinating with both the project engineer and architect to finalize the design and technical specifications for the project.

8. The Applicant's submission concluded by advising the Board that it remained committed to moving forward with constructing the single-family dwelling and requested an extension of time to complete the required tasks responsibly and thoroughly.

9. Counsel for the Applicant, Brad Batcha, Esq., submitted a legal position, dated February 12, 2026, reaffirming that the Applicant had been diligently working with its engineers and architects to complete the project and move forward with construction.

10. Mr. Batcha's submission requested an extension of time, until December 14, 2026.

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

NOW, THEREFORE, the Board makes the following conclusions of law based upon the foregoing findings of fact:

WHEREAS, Sec. 21-17A.9 of the Borough Code provides that variances "shall expire in one (1) year unless an extension of the time period is granted or the variance is exercised by either the erection or alteration of structures, the commencement of use, the submission of required subdivision or site plan application, or the specific terms of the original variance. Any appeal to the Governing Body or court of competent jurisdiction shall suspend the running time for the period of the appeal."

The Board has interpreted Sec. 21-17A.9 as permitting an applicant to request an extension of time pursuant to that section, at any time, even after a variance has expired and

that the standard to be applied by the Board when considering such requests is whether “good cause” has been demonstrated such that an extension of time is reasonable under the circumstances.

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 LW Maintenance & Management LLC for a two-year extension of time, until December 14, 2026, pursuant to Sec. 21-17A.9 of the Zoning Code.

The Board finds that the Applicant purchased the subject Property in November of 2024. Since that time, the Applicant has been diligently pursuing approvals with the necessary agencies and professionals but delays with the same prevented the Applicant from proceeding with construction within the one-year variance approval period. Notably, the Board finds that prolonged periods of review of the Stormwater Report, amongst other things, contributed to the delay. The Board further finds that the Applicant intended to proceed with construction within the one-year period and had taken steps to do so before expiration of the one-year period. The Board also finds that the Applicant was under the mistaken belief that the variance approval did not expire until two years from the date of the approval. Based upon the facts in evidence, the Board finds that the Applicant has demonstrated good cause for a two-year extension, until December 14, 2026, pursuant to Sec. 21-17A.9 of the Zoning Code and that the extension is reasonable in this circumstance.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this

12th day of March, 2026, that the action of the Land Use Board taken on February 12, 2026 granting Application No. LUB-2023-02 of LW Management & Maintenance LLC for a two-year extension of time, until December 14, 2026, for LUB Resolution No. 2023-18 for 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 two-year extension of time for LUB Resolution No. 2023-18 approval with bulk variance relief, until December 14, 2026.
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. Knox

SECONDED BY: Mr. Cody

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Ms. LaRussa, Mr. Montecalvo, Mrs. Olszewski, Mr. Sayah, Mr.

Knox, Mr. Cody, Mrs. Vickery

NO:

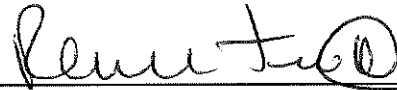
ABSTAINED:

INELIGIBLE:

ABSENT: Mrs. Tierney, Ms. Chang, Mr. Cramer

DATED: March 12, 2026

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 12, 2026.

A handwritten signature in black ink, appearing to read "Renee Frotton", written over a horizontal line.

Renee Frotton, Secretary
Borough of Highlands Land Use Board