

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2021-23
RESOLUTION OF MEMORIALIZATION
EXTENSION OF MINOR SUBDIVISION APPROVAL

Approved: September 2, 2021
Memorialized: October 7, 2021

MATTER OF PAUL S. GUNDLACH

APPLICATION NO. LUB-2020-04

WHEREAS, an application for an extension of minor subdivision approval has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Paul S. Gundlach (hereinafter referred to as the “Applicant”) on lands known and designated as Block 120, Lots 1 and 2 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”) within the R-2.03 (Residential) Zone (hereinafter “Property”); and

WHEREAS, a public hearing was held before the Board on September 2, 2021 with regard to this application; and

WHEREAS, on or about August 10, 2021, the Board received a written request for an extension from the Applicant and at the September 2, 2021 hearing, heard statements from the Board Engineer 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 along with use variance relief granted by the Board on September 3, 2020 and memorialized in a resolution dated October 1, 2020.

2. The Applicant was granted minor subdivision approval with use variance relief to subdivide Block 120, Lot 2 by adjusting the lot line and reducing the rear yard by approximately sixty (60) feet, as a result of which the depth of Block 120, Lot 2 would be reduced to one hundred (100) feet on the northerly side line and to one hundred (100) feet on the southerly side line; and increasing the depth of Block 120, Lot 1 to approximately two hundred and thirty-four (234) feet on the northerly side line and to approximately two hundred and thirty-two (232) feet on the southerly side line.

3. Block 120, Lots 1 and 2 were pre-existing non-conforming lots as to use, and since one lot was being reduced in size, a use variance was also required. The Board granted the requested use variance relief pursuant to N.J.S.A. 40A:55D-70d(2).

4. The newly configured lots would be 12,305 s.f. (Block 120, Proposed Lot 1.01) and 5,248 s.f. (Block 120, Proposed Lot 2.01), respectively.

5. The Applicant did not testify at the hearing but submitted a letter to the Board, requesting the extension.

6. The Board Engineer testified that the 190-day period for recording the minor subdivision deed expired on April 8, 2021. Resolution compliance had been completed in a timely manner and the Applicant had submitted the deed for recording with the County on April 2, 2021. For reasons that are unknown and through no fault of the Applicant, the County did not record the minor subdivision deed until April 15, 2021; after the 190-day filing period had expired. The

Applicant, therefore, diligently pursued the filing of the deed to perfect the minor subdivision with the County, as required.

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 August 10, 2021 written request for an extension, Land Use Board Resolution No. 2020-04 and its associated exhibits, and the statements made at the hearing with regard to this application. 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 Paul S. Gundlach for an extension of Minor subdivision approval pursuant to N.J.S.A. 40:55D-47 until December 31, 2021.

The Board acknowledges that the Applicant has diligently obtained all necessary approvals since receiving minor subdivision approval and that resolution compliance is complete. The Board further acknowledges that the Applicant had previously submitted the deed to the County for recording in a timely manner but that the County did not file same prior to the expiration of the 190-day filing period. The Board, therefore, determines that the Applicant diligently pursued all outside agency approvals and requires additional time to file the deed. The Board, therefore, finds that an

extension of time to December 31, 2021 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 7th day of October 2021, that the action of the Land Use Board taken on September 2, 2021 granting Application No. LUB-2020-04 of Paul S. Gundlach for an extension of minor subdivision approval pursuant to N.J.S.A. 40:55D-47 be and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted an extension of time expiring December 31, 2021.
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: Mayor Broullon

SECONDED BY: Chief Burton

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Ms. Chang

NO:

INELIGIBLE: Councilmember Martin, Ms. LaRussa, Mr. Lee, Ms. Walsh, Ms. Nash, Ms. Pendleton

ABSENT: Ms. LaRussa

DATED: October 7, 2021

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 October 7, 2021.



Michelle Hutchison, Secretary
Borough of Highlands Land Use Board

