

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2021-20
RESOLUTION OF MEMORIALIZATION
EXTENSION OF MINOR SUBDIVISION APPROVAL

Approved: July 1, 2021
Memorialized: August 5, 2021

MATTER OF PAUL GIL

APPLICATION NO. LUB2020-06

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 Gil (hereinafter referred to as the “Applicant”) on lands known as designated as Block 77, Lot 13 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”) and more commonly known as 1-3 Barberie Avenue within the R-2.01 (Residential) Zone (hereinafter “Property”); and

WHEREAS, a virtual public hearing was held before the Board on July 1, 2021 with regard to this application; and

WHEREAS, by letter dated May 26, 2021, the Board received a written request for an extension from the Applicant and at the July 1, 2021 hearing, heard statements from the Borough 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 granted by the Board in 2021. The original application was approved on January 7, 2021 and the Resolution was memorialized on February 4, 2021.

2. The subject Property contains .147 acres (6,837 s.f.) with 129.18 feet of frontage along the southeast side of Barberie Avenue and approximately 37.50 feet of frontage along the southwest side of Marine Place within the R-2.01 Zone district. The subject Property was improved with a 2-story multi-family dwelling and a garage serviced by municipal water and waste systems.

3. The Applicant was granted minor subdivision approval with ancillary bulk variance relief to subdivide the Property to create two new lots as follows:

- Proposed Lot 13.01 will contain .074 acres (3,217 s.f.) with 37.50 feet of frontage along Barberie Avenue to be improved with a proposed 2-story dwelling.
- Proposed Lot 13.02 will contain .073 acres (3,170 s.f.) with 43.26 feet of frontage along Marine Place to be improved with a proposed 2-story dwelling.

4. The Applicant did not testify at the hearing but submitted the May 26, 2021 letter to the Board, requesting the extension. The Applicant's May 26, 2021 letter provided the Board Engineer and Board Attorney with a proposed subdivision deed for their review, and requested that the Municipal Tax Assessor approve the proposed lot designations. The May 26, 2021 letter explained that due to the imminent expiration of time to perfect the subdivision, the Applicant was requesting a modest extension of time to perfect same.

5. The Board recognized that the Applicant was diligently filing a deed to perfect the minor subdivision with the County, as required.

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

7. The Board has received, reviewed, and considered the Applicant's May 26, 2021 written request for an extension, Land Use Board Resolution No. 2021-09 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 Gil for a six-month extension of Minor subdivision approval pursuant to N.J.S.A. 40:55D-47.

The Board acknowledges that the Applicant has diligently obtained nearly all necessary approvals since receiving minor subdivision approval. The Applicant requires additional time to get file the plat and/or 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 5th day of August 2021, that the action of the Land Use Board taken on July 1, 2021 granting Application No. HGPB-R1800 of Paul Gil 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: Ms. LaRussa

SECONDED BY: Mayor Broullon

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Council Member Martin, Mr. Montecalvo, Chair Knox

NO:

ABSTAINED: Ms. Walsh, Ms. Nash

ABSENT: Vice Chair Tierney, Ms. Chang, Ms. Pendleton

DATED: August 5, 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 August 5, 2021.



Michelle Hutchison, Secretary
Borough of Highlands Land Use Board