

Kevin E. Kennedy, Esq.

Borough of Sea Bright

A Limited Liability Company Attorney at Law 165 Highway 35 Middletown, NJ

Phone: (732) 936-1099 Fax: (732) 936-1960

Admitted to Practice NJ & Washington DC

Mailing Address: 165 Highway 35 Red Bank, NJ 07701

December 4, 2020

VIA FEDERAL-EXPRESS & E-MAIL

Borough of Sea Bright Attn: Candace Mitchell, Board Secretary 1099 Ocean Avenue Sea Bright, NJ 07760

Re:

The Break at Sea Bright LLC 1080 Ocean Avenue Sea Bright, NJ Block 15, Lot 3

Dear Ms. Mitchell:

Please be advised that I am writing to you on behalf of The Break at Sea Bright, LLC. As you will recall, no further Notice was required for the continued Public Hearing. However, out of an abundance of caution, and because the Applicant clarified the restaurant / parking issues, we decided to re-notice. In that regard, and in anticipation of the **December 8, 2020** continued Public Hearing, I would ask that you please note the following:

- 1. Enclosed herein please find a copy of the Public Notice issued in connection with the application.
- 2. Enclosed herein please find an original Affidavit of Publication.
- 3. Enclosed herein please find a Certification of Mailing.
- 4. Enclosed herein please find the Certified List of Property Owners.
- 5. Enclosed please find the certified slips / transaction sheet for the individuals / entities who/which were served with notice of the application.

If I can be of any further assistance, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy

 $KEK/dmp \\ S: KevinKennedyLaw \ Land \ Use \ Brooks, \ Trip \ (The Break \ at Sea Bright) \ 120420 \ Mitchell \ proof of service \ (re-Notice). doc$

Encl.

cc:

Kerry Higgins, Esq. (e-mail), w/ encl. Luke Rudowsky (e-mail), w/o encl.

BOROUGH OF SEA BRIGHT UNIFIED PLANNING BOARD NOTICE OF CONTINUED HEARING

PLEASE TAKE NOTICE, that agents of The Break at Sea Bright LLC have submitted a Development Application to the Borough of Sea Bright / Sea Bright Planning Board. The application involves the property located at 1080 Ocean Avenue, Sea Bright, NJ, more formally identified as Block 15, Lot 3 (B-1 Zone). The subject property is currently vacant. The Applicant's representatives are seeking Preliminary and Final Site Plan approval, waiver of Site Plan approval, use/"d"/height variance approval, and bulk variance approval to permit the construction of a 4 story mixed-use building. The proposed mixed-use building will be utilized as follows:

Ground Level Parking and Building Services

First Floor Retail Space / Potential Restaurant Space

Second Floor 2 residential dwelling units

Third Floor 2 residential dwelling units

Fourth Floor 2 residential dwelling units

In conjunction with the Application, the Applicant will be seeking the following Variance relief:

- USE/'D'/HEIGHT Variance relief: Maximum height of 42 Ft allowed; whereas 52.5 Ft proposed;
- NUMBER OF STORIES: 3 stories allowed; whereas 4 stories proposed;
- REAR YARD SETBACK: 15 ft. required; whereas 0.25 ft. proposed;
- BUILDING COVERAGE: 50% allowed; whereas 97% proposed;
- LOT COVERAGE: 75 % allowed, whereas 97% proposed;

 OFF-STREET PARKING SPACES: Approximately 28 spaces required for the proposed restaurant / retail use; whereas no such restaurant / retail spaces proposed. (Note: there are 12 on-site parking spaces provided for the proposed residential units).

The Applicant will also be seeking approval for any and all other Variances and / or Design/Submission Waivers which are necessary, or which will become necessary, during the Public Hearing Process.

The initial Hearing on the Application occurred on or about October 27, 2020, at which time testimony and information was presented. The Public Hearing was ultimately carried / adjourned. The continued Planning Board Meeting will take place on **December 8, 2020, at 7:30 pm**. Given the current emergency restrictions in effect (associated with the Coronavirus), please take notice that the continued Hearing will likely be held by the Sea Bright Planning Board through a Remote Hearing, hosted virtually from the Sea Bright Beach Pavilion, 3rd Floor, 1097 Ocean Avenue, Sea Bright, NJ.

Members of the Public are welcome to, and encouraged to, observe / participate in the Remote Hearing. The meeting will likely be held via a web-meeting conference communication system. Members of the Public can remotely access the meeting, via a smart phone or tablet, via a special link on your computer, or by telephone. For anyone interested in observing and / or otherwise participating in the remote web meeting, the instruction / directions are as follows:

Planning/Zoning Board Meeting Tue, Dec 8, 2020 7:30 PM - 10:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/701568981

You can also dial in using your phone.

United States: +1 (646) 749-3129

Access Code: 701-568-981

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/701568981

Additional technological assistance and / or additional information can be obtained by contacting the Board Secretary, Candace Mitchell at cmitchell@seabrightnj.org, or 732-842-

0099, Ext. 123. Moreover, any access issues / barriers can be addressed to the Applicant's Attorney as well (732-936-1099).

The Application information / plans are or will be available for public inspection, on the Borough Website at least ten (10) days in advance of the Remote Hearing. (In special qualifying circumstances, members of the public are also free to contact the Board Secretary to discuss if any other special / reasonable accommodations can, in good faith, be effectuated to facilitate public review of pertinent documents.)

Members of the public who have questions, comments, or concerns regarding the Web Meeting process, or the Remote Meeting format, should contact the Board Secretary (during regular Borough hours) at the number/email address referenced above. In the event no one is present to immediately answer the phone (because of coronavirus scheduling issues), members of the public are encouraged to leave a message, call back, or send an e-mail message.

Likewise, members of the public should also feel free to contact the Board Secretary, at the above-referenced number, if they have any other questions, issues, concerns, or barriers to participation / observation.

Members of the public should notify the Board Secretary, in advance, if possible, via email, or phone call, of any anticipated intention to undertake cross-examination, introduce evidence, and / or otherwise make public comments / statements in connection with a particular Application. The purpose of such notification is to ensure, to the greatest extent possible, that the technological needs of all are accommodated, and so as to furthermore ensure, to the greatest extent possible, that any additional documents to be identified / referenced at the Remote Hearing can hopefully be available for review by all participants and other members of the public. Please note that the preceding sentence will not limit or otherwise block the ability of members of the public to ask questions, make comments, or issue opinions based upon testimony and evidence presented during the Remote Public Hearing.

If the emergency restrictions are no longer in effect, the December 8, 2020 (7:30 pm) meeting may be a live, in-person meeting, which will take place at the Sea Bright Beach Pavilion, 1097 Ocean Avenue, 3rd floor, Sea Bright, NJ. Residents are encouraged to view the Municipal website for any additional developments.

Date

Kevin E. Kennedy, Esq.

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$101.70 Affidavit \$35.00

Brown County
Personally appeared Marcha Stanhart at County of Brown, State of Wisconsin.
Of the Asbury Park Press , newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:
11/25/2020 A.D 2020
Notary Public State of Wisconsin County of Brown
Notary Public State of Wisconstructurity of Brown
My commission cycles
My commission expires

Nancy Heyrman Notary Public, State of Wisconsin Commission Expires,

STATE OF WISCONSIN

Ad Number: 0004482450 Run Dates: 11/25/2020

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Parking and Building Services
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Retail Space Potential Restaurant Space
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Third Floor
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In conjunction with the Application, the Applicant will be seeking
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REAR YARD SETBACK: 15 ft. required; whereas 0.25 ft. proposed;
BUILDING COVERAGE: allowed; whereas proposed;
COVERAGE: 75 % allowed, whereas proposed;
PARKING SPACES: Approximately 28 spaces required for the proposed restaurant / retail use; whereas no such restaurant / retail spaces proposed (Note: there are 12 on-site parking spaces provided for the proposed residential units).
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Tue, Dec 8, 2020 7:30 PM - 10:00 PM (EST)
Please join my meeting from your computer, tablet or smartphone. https://global.gQtomeeting.com/join/70156898J
You can also dial in using your phone. United States: +1 (646) 749-3129

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Kevin E. Kennedy, Esq. (\$101.70)

CERTIFICATION OF MAILING

I, **Kevin E. Kennedy**, hereby certify as follows:

- 1. I am the Attorney at the Law Office of Kevin E. Kennedy, located at 165 Highway 35, Red Bank, New Jersey.
- 2. On November 24, 2020, I sent letters (via certified mail) to all the individuals / entities set forth on the attached mailing list.
- 3. The above letters contained the attached Public Hearing Notice evidencing The Break at Sea Bright, LLC application was scheduled to be heard by the Sea Bright Planning Board on December 8, 2020.
- 4. The original receipts, confirming that the above letters were sent via certified mail are attached hereto.
- 5. I am aware that the Sea Bright Planning Board will be relying upon the truthfulness of the statements contained herein.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge, information, and belief. Furthermore, I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Date

Kevin E. Kennedy, Esq.

BOROUGH OF SEA BRIGHT OFFICE OF THE MUNICIPAL CLERK 1099 OCEAN AVENUE SEA BRIGHT, NJ 07760 732-842-0099 EXT. 119

Information requested for properties located within 200' of Block 15, Lot 3, also known as 1080 Ocean Avenue.

YOU MUST SEND NOTICES TO THE UTILITIES AND APPROPRIATE GOVERNMENTAL AGENCIES NOTED BELOW:

Borough of Sea Bright 1167 Ocean Avenue Sea Bright, NJ 07760	State of New Jersey (for State Hwy 36) Commissioner, Department of Transportation 1035 Parkway Avenue P.O. Box 600 Trenton, NJ 08625
Comcast Comcast Center 1701 John F Kennedy Blvd. Philadelphia, PA 19103	State of New Jersey (for Coastal Waters) Division of Coastal Resources P.O. Box 401 Trenton, NJ 08625
New Jersey American Water Company 661 Shrewsbury Avenue Shrewsbury, NJ 07702	Two Rivers Water Reclamation Authority 1 Highland Avenue Monmouth Beach, NJ 07750
New Jersey Natural Gas Company 1415 Wyckoff Road Wall, NJ 07719	Verizon 175 W. Main St Freehold, NJ 07728 Attn: Corporate Secretary/Right of Way Agent
Area Manager Central New Jersey 1500 Florance Avenue Union Beach, NJ 07735	Monmouth County Planning Board Hall of Records Annex – 2 nd Floor 1 East Main Street Freehold, NJ 07728

Attached is a true list of the Property Owners within 200' of Block 15, Lot 3, also known as 1080 Ocean Avenue in the Borough of Sea Bright as submitted by Sea Bright Tax Assessor Timothy Anfuso.

<u>Candace B. Mitchell</u>
Candace B. Mitchell, Administrative Assistant
Borough Clerk's Office

Date: October 8, 2020

Date Request Received: October 8, 2020

Amount Paid: \$10.00

Cc. File

10/08/20 Page 1 of 3

200 FOOT OWNERS LIST FOR BLOCK 15, LOT 3

BLOCK	LOT	QUAL CL	A PROPERTY OWNER	PROPERTY LOCATION	Add'I Lots
14	1	15	D FIRST UNITED METH. CHURCH 1104 OCEAN AVENUE SEA BRIGHT, NJ 07760	1104 OCEAN AVENUE	
14	1	X 44	FIRST UNITED METHODIST CHURCH 1101 OCEAN AVENUE SEA BRIGHT, N J 07760	1101 OCEAN AVENUE	
14	2	1	CHURCH STREET CONDO ASSOCIATION 1 CHURCH STREET UNIT A SEA BRIGHT, NJ 07760	1 CHURCH STREET UNIT A	
14	2.01	2	MUDSON, JORGE & CHERYL 1 CHURCH STREET UNIT A SEA BRIGHT, NJ 07760	1 CHURCH STREET UNIT A	
14	2.02	2	GONZALEZ, JOSE & SARA CHURCH STREET UNIT B SEA BRIGHT, NJ 07760	1 CHURCH STREET UNIT B	
14	3	2	CHURCH STREET, LLC 3 CHURCH STREET SEA BRIGHT, NJ 07760	3 CHURCH STREET	
14	4	2	MC GINLEY, KEVIN & ANDREA & SEAN 5 CHURCH STREET SEA BRIGHT, NJ 07760	5 CHURCH STREET	
14	5	2	DOWD, BERNABD & CYNTHIA FO BOX 40 OCEANPORT, NJ 07757	7 CHURCH STREET	
14	17	2	LOBIONDO, JAMES A 931 OCEAN AVENUE SEA BRIGHT, NJ 07760	8 SOUTH STREET	
14	18	2	BOWIE REAL PROPERTIES LLC 1120 OCEAN AVENUE SEA BRIGHT, NJ 07760	6 SOUTH STREET	
14	19	2	FOX, DAVID & PRIYA 218 WHISPERING PINES DR V LINCROFT, NJ 07738	4 SOUTH STREET	
14	20	2	NOTT, ROBERT K. IJ & SANDRA C. 3 SOUTH STREET SEA BRIGHT, NJ 07760	3 SOUTH STREET	
14	21	41	MMRD ASSOCIATES, LLC 3 KYLEMORE DRIVE WESTFORD, MA 01886	1096 OCEAN AVENUE	
15	1	44	MARIANNE & KRISTIN, LC 3 MARA VISTA DRIVE MONMOUTH BEACH, NJ 07750	1092 OCEAN AVENUE	
15	2	41	740 IRVING PLAĆE V SECAUCUS, NJ 07094	1084 OCEAN AVENUE	
15	4	1	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY 11232	4 RIVER STREET	
15	4.02	DUP 1	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY 11232	4A RIVER STREET	
15	4.03	DUP	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY 11232	4B RIVER STREET	
15	4.04	DUP	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY 11232	4C RIVER STREET	

SEA BRIGHT

200 FOOT OWNERS LIST FOR BLOCK 15, LOT 3

BLOCK	LOT	QUAL CLA	PROPERTY OWNER		PROPERTY LOCATION	Add'l Lots
15	4.05	15 UP1	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY		3C SOUTH STREET	
15	4.06	pup"	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY	11232	3B SOUTH STREET	
15	4.07	DUP .	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY	11232	3A SOUTH STREET	
15	4.08	Pup V	RIVER STREET REALTY, LLC 165 27TH STREET BROOKLYN, NY	11232	3 SOUTH STREET	
15	5	1	C. J. & M. ASSOC OF SEA PO BOX 419 KINGSTON, NJ	BRIGHT, LLC 08528	6 RIVER STREET	6 & 7
15	8	1	ESSIE A. HOWLAND & SONS PO BOX 419 KINGSTON, NJ	08528	9 SOUTH STREET	
16	1	4A	1076 OCEAN, LLC 1410 OCEAN AVENUE SEA BRIGHT, NJ	07760	1076 OCEAN AVENUE	9
16	2	4A	1672 SEA BRIGHT, LLC 376 OCEAN AVENUE SEA BRIGHT, NJ	07760	1072 OCEAN AVENUE	
16	3	4A ,	LENA, RAYMOND C. & PHYLL 570 MONMOUTH PLACE LONG BRANCH, NJ	.IS N. 07740	1070 OCEAN AVENUE	
16	4	4A	AMCK, LLC 21 CREST DRIVE SOUTH	07624	1066 OCEAN AVENUE	
16	4.01	4A	TREZZA REALTY HOLDING LL 183 BERNARD DRIVE RED BANK, NJ	.C. 07701	1068 OCEAN AVENUE	
16	5	4A	GBW REALTY, LLC 46 MONMOUTH BLVD. OCEANPORT, NJ	07757	1062 OCEAN AVENUE	
16	14	2	MARTIN, IVAN WANAT 19 CONOVER LANE RUMSON, NJ	07760	3 BADMINTON COURT	
16	15.01	1	ASSESSED WITH BLOCK 16 L THRU 15.10 AS PART OF COMMON ELEMENTS	OTS 15.03 07760	2 BADMINTON COURT	
16	15.02	4A	MONMOUTH SQUASH CLUB LL 1071 OCEAN AVENUE SEA BRIGHT, NJ	.C 07760	1071 OCEAN AVENUE	
16	15.03	2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE / LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 1	
16	15.04	DV	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 2	
16	15.05	750	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LNAE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 3	
16	15.06	DUP	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 4	
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SEA BRIGHT

200 FOOT OWNERS LIST FOR BLOCK 15, LOT 3

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER		PROPERTY LOCATION	Add'I Lots
16	15.07	22.22	2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 5	
16	15.08	1	2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 6	
16	15.09	Pai	2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 7	
16	15.10	1	2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 8	
16	15.11		2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 9	
16	15.12		2	MURRO, ROBERT P. JR. 7534 RIDGEFIELD LANE LAKE WORTH, FL	33467	2 BADMINTON COURT UNIT 10	
16	24		2	JOHNSON, LESLIE A & HUT 15 RIVER STREET SEA BRIGHT, NJ	TON, MAE E. 07760	15 RIVER STREET	
16	25		2 V	13 RIVER STREET, LLC 15-17 SOUTH 7TH AVE SU-2 LONG BRANCH, NJ	07740	13 RIVER STREET	
16	26		2	FORSMAN, JOHN ROBERT ETA 1202 EAST LOMITA AVENUE ORANGE, CA	92867	9 RIVER STREET	
16	27		2 V	GOTTI, JOHN G. 11 RIVER STREET SEA BRIGHT, NJ	07760	11 RIVER STREET	
16	28		2	FRIVER 5, LLC 585 SECOND AVENUE LONG BRANCH, NJ	07740	5 RIVER STREET	
23	1		15C	BORO OF SEA BRIGHT 1099 OCEAN AVENUE SEA BRIGHT, NJ	07760	1099 OCEAN AVENUE	
23	2.02	\	150	BORO OF SEA BRIGHT 1099 OCEAN AVENUE SEA BRIGHT, NJ	07760	1051 OCEAN AVENUE	



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