Kevin E. Kennedy, Esq.

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

October 26, 2020

VIA FEDERAL-EXPRESS & E-MAIL

Borough of Sea Bright Attn: Candace Mitchell, Board Secretary 1167 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. In that regard, and in anticipation of the **October 27, 2020** 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 "green and white" certified slips 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)\102620 Mitchell proof of service.doc

Encl.

Luke Rudowsky (e-mail), w/o encl. cc:

BOROUGH OF SEA BRIGHT UNIFIED PLANNING BOARD NOTICE OF 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

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;

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 Planning Board Meeting will take place on October 27, 2020, at 7:30 pm. Given the current emergency restrictions in effect (associated with the Coronavirus), please take notice that the 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:

Please join meeting from your computer, tablet, or smartphone: https://global.gotomeeting.com/join/380339749

You can also dial in using your phone: United States (Toll Free): 1 866 899 4679 United States: +1 (571) 317-3116

Access Code: 380-339-749

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/380339749

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 e-mail, 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 October 27, 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.

10/14/20

Date

Kevin E. Kennedy, Esq.

KEK/

Z:\KevinKennedyLaw\Land Use\Brooks, Trip (The Break at Sea Bright)\Public Notice.doc

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$112.50 Affidavit \$35.00

STATE OF WISCONSIN Brown County
Personally appeared 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:
10/15/2020 A.D 2020 Matha Steins Notary Public State of Wisconsin County of Brown Notary Publi

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Ground Level Parking and Building Services

Second Floor 2 residential dwelling units

Third Floor 2 residential dwelling units

Fourth Floor 2 residential dwelling units

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You can also dial in using your phone:

You can also dial in using your phone: United States (Toll Free): 1 866 899 4679 United States: +1 (571) 317-3116

Access Code: 380-339-749

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Date: October 13, 2020 (\$112.50)

/s/Kevin E. Kennedy, Esq

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 October 15, 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 October 27, 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.

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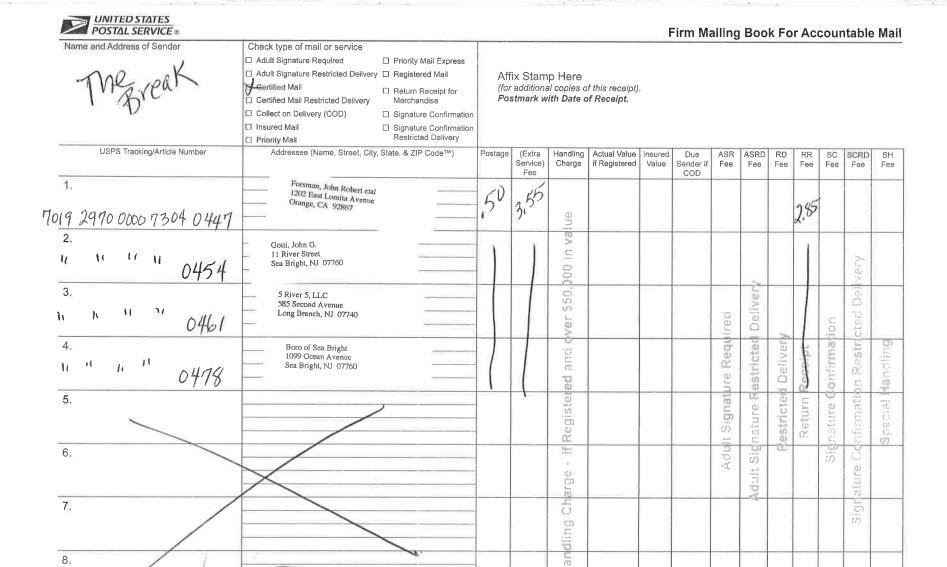
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3 Church Street, LLC	If YES, enter delivery address below:	
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