

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD  
GRANTING EXTENSION OF SITE PLAN AND BULK VARIANCE APPROVAL  
RE: Kevin Birdsall & Michelle Nyquist  
9 New Street  
Block 13 Lot 3  
Sea Bright, New Jersey**

**WHEREAS**, Kevin Birdsall & Michelle Nyquist (the “Applicant”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 13, Lot 3 on the Tax Map of the Borough of Sea Bright, also known as 9 New Street, for site plan and bulk variances to add a floor to an existing single family home with rooftop decks which will create a garage on the ground floor; and

**WHEREAS**, by Resolution memorialized on 7/8/17, the Board granted site plan and bulk variance approval to Applicants Kevin Birdsall & Michelle Nyquist on application PBZB-2017-24; and

**WHEREAS**, the Applicants made a request for an extension to the approval due to their inability to obtain a contractor to carry out the project; and

**WHEREAS**, the Board found that the Applicants had been diligently pursuing their project and on May 14, 2019 granted a one-year extension; and

**WHEREAS**, due to the COVID-19 Pandemic, Applicant was not able to obtain the necessary permits to commence the improvements and further was prohibited from commencing with the project due to restrictions in place related to the Pandemic; and

**WHEREAS**, due to issues and complications associated with the prevailing public COVID-19 Pandemic, and Governmental Restrictions and Limitations associated therewith (including a Construction Moratorium), the Applicant has requested an additional one (1) year

extension of the timeframe within which to obtain permits and commence the improvements; and

**WHEREAS**, the Board finds that the restrictions in place related to the COVID-19 Pandemic have contributed to the delay in the commencement of this project.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board of the Borough of Sea Bright that it hereby grants an additional one-year extension to run to May 14, 2021.

**BE IT FURTHER RESOLVED** that the terms and conditions of the original Resolution memorialized on 7/8/17 shall remain in full force and effect.

#### **GENERAL CONDITIONS**

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 9, 2020; and

**BE IT FURTHER RESOLVED** that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the building department and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on June 9, 2020.

*Candace B. Mitchell*

Candace B. Mitchell, Secretary  
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember Leckstein  
And Seconded by Boardmember Cashmore

Vote:

Cashmore - Aye    Cunningham - Aye    DeGiulio - Aye    DeSio - Aye  
Kelly - Absent    Leckstein - Aye    McGinley - Absent    Nott – Absent  
Smith – Aye    Bills (Alt.#1) - Aye    Wray (Alt.#2) - Aye    Gorman (Alt.#3) - Aye

*C. Lance Cunningham*

C. Lance Cunningham, Chairman  
Sea Bright Planning/Zoning Board