

APPLICANT: MOUNTAIN VIEW VILLAS
APPLICATION NUMBER: 2021-10
BLOCK: 34, LOT 3.03 and 3.04 and
BLOCK 33, LOT 20.02
ATTORNEY FOR APPLICANT: Robert McGowan, Esq
RESOLUTION NUMBER: 2021-10.4



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF SEA BRIGHT
FOR WAIVERS**

WHEREAS, BOARD MEMBER MARC A. LECKSTEIN, offered the following Resolution moved and seconded by **BOARD CHAIR LANCE CUNNINGHAM**:

WHEREAS, Mountain View Villas at Sea Bright by and through their Attorney, Robert McGowan, Esq. hereinafter referred to as the “applicant” filed an application with the Zoning Board of Adjustment of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

APPLICANT IS SEEKING WAIVERS TO FILE THE FINAL PLANS WITH MONMOUTH COUNTY FOR LOTS 1-3 OF THE DEVELOPMENT WHILE IT CONTINUES TO PURSUE THE REQUISITE TIDELANDS GRANT OR LICENSE RELATIVE TO BLOCK 33, LOT 20.02. A SECOND PLAN TO BE FILED INCLUDING LOT 20.02 UPON RECEIPT OF APPROPRIATE GRANT OF LICENSE.

WHEREAS, the application pertains to premises known and designated as Blocks 34, Lots 3.03 and 3.04 and Block 33, Lots 20.02 on the Tax Map of the Borough of Sea Bright;

WHEREAS, notice to the general public was not required on this application due to the fact that this was a waiver hearing to determine the contents of the plan to be filed, application for tidelands grant/license pending. The Board has jurisdiction to hear, consider and determine the waiver requests at issue based on prior approval, per the MLUL; and

WHEREAS, the Board held an administrative hearing with regard to the referenced waiver request on the following date, September 13, 2022:

WHEREAS, the following items were entered as Exhibits at the hearing:

NONE.

WHEREAS, The Board listened to the Testimony of the following:

NONE

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

NONE.

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

NONE.

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

Present for the discussion regarding a waiver request was Attorney Robert J. McGowan, Esq., representing Mountain View Villas at Sea Bright. Mr. McGowan explained that, while continuing to pursue the required Tidelands Grant or License, the applicant is asking for a waiver of that requirement in order to be able to file final plans with the County for lots 1-3. A second plan will be filed when Lot 4 is provided with its Tidelands grant/license and the application is pending. Once the Tidelands claim is provided with the tidelands grant or lease number with grant date, the Map (plan) will be filed again in Monmouth County. The Map will be filed first with claim pending and then with grant or lease number for lot 4, when granted.

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. Certain Waivers in conjunction with the application for the may be necessary;
 - ii. The Board has the authority, upon testimony, to waive or grant temporary relief to certain approved items for the application under continuing jurisdiction, and;
 - iii. The Board has been provided with information on the application and has been presented with testimony from the Applicant or their professionals, which testimony has been supplemented with the advice of Board professionals and does hereby decide the request.
- b. The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

BE IT FURTHER RESOLVED, by the Board of Adjustment of the Borough of Sea Bright that the following be and are hereby GRANTED:

The applicant is granted a temporary waiver and may file the Site Plan Map with Monmouth County for Lots 1-3 as approved in the original application. A second plan will be filed when Lot 4 is provided with its Tidelands grant/license and the application is pending. Once the Tidelands claim is provided with the tidelands grant or lease number with grant date, the Map (plan) will be filed again in Monmouth County. The Map will be filed first with claim pending and then with grant or lease number for lot 4, when granted.

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Marc A. Leckstein, Esq. and Seconded by Board Chairman C. Lance Cunningham:

ROLL CALL: Bieber, Bills, Cashmore, Cunningham, Gorman, Lawrence, Leckstein, Schwartz, DeGiulio

THOSE IN FAVOR: All in favor

THOSE OPPOSED: None

RECUSED: None

ABSENT:

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Board member Marc A. Leckstein, Esq. and Seconded by Board member Councilman Erwin Bieber:

ROLL CALL: Bieber, Bills, Cashmore, Gorman, Lawrence, Leckstein, Schwartz, DeGiulio

THOSE IN FAVOR: All in favor

THOSE OPPOSED: None

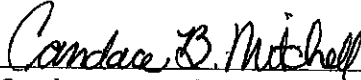
RECUSED: None

ABSENT: Cunningham

ABSTAINED: None

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on October 11, 2022.

Date: October 11, 2022



Candace B. Mitchell
Administrative Officer of the
Unified Planning/Zoning Board
Borough of Sea Bright