

**IN THE MATTER OF
APPLICATION NO. PB 20-14
OF T-THREE, LLC
BLOCK 117 LOTS 1, 2, 3, 4 & 5**

**RESOLUTION GRANTING
EXTENSION OF APPROVAL**

WHEREAS, T-THREE, LLC, hereinafter the "Applicant", has previously proposed, and by resolution adopted by the Planning Board on December 3, 2020 received approval for the development of property located at 65 First Avenue, and 14 Center Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 117, Lot 1, 2, 3, 4 & 5 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has received approval from the Planning Board of the Borough of Atlantic Highlands for preliminary and final major site plan with variances to permit the construction of a four story mixed-use building with 1,420 sq. ft. of retail space on the first floor and a total of 15 two-bedroom residential units on the second (5 units), third (5 units) and fourth (5 units) floors along with (30) on-site parking spaces, concrete sidewalks, signs, lighting, storm drainage and utility connections requiring the following variance and design standard relief:

1. Section 150-29 (A)(2) (Exhibit 5-2) lot coverage in the CBD Zone of 99% where 75% is permitted.

2. Section 150-29 (A)(2) (Exhibit 5-2) building height in the CBD Zone of four stories where three stories are permitted and heights for roof 43.92 ft. where 40 ft. is permitted, parapet 49.33 ft. where 45 ft. is permitted, stair tower 54.5 ft. for where 50 ft. is permitted and elevator tower 59 ft. for where 55 ft. is permitted.

3. Section 150-29 (A)(2) (Exhibit 5-2) maximum building height in the HBD Zone of four stories where three stories are permitted and roof 43.92 ft. for where 40 ft. is permitted, parapet 49.33 ft. where 45 ft. is permitted, elevator tower 54.5 ft. and 59 ft. for where 55 ft. is permitted.

4. Section 150-87.A (1) open space of 12.8% where 30% is required.

5. Section 150-89.B(2) handicap parking stall dimensions of 12 ft. wide x 18 ft. long where 12 ft. wide x 20 ft. long is required.

6. Section 150-89.B(3)(c) parking aisle width of 23.79 ft. where 24 ft. is required to serve 90 degree oriented parking spaces.

7. Section 150-89.D(3) driveway access width of 47 ft. and 32.9 ft. respectively where 30 ft. is permitted.

8. Section 150-89(C)(1) no loading spaces are proposed where one loading space is required.

9. Section 150-85(E)(2)(a) no landscape buffer proposed where 25 ft. buffer is required; and

The subject property also retains the following existing non-conforming elements:

1. Section 150-29 A (2)(Exhibit 5-2) lot area in CBD Zone of 5,772.15 sq. ft. where 10,000 sq. ft. is required (lots 2, 3, 4, & 5)

2. Section 150-29 A (2)(Exhibit 5-2) lot frontage in CBD Zone of 37 ft. where 100 ft. is required.

3. Section 150-29 A (2)(Exhibit 5-2) lot shape diameter for interior lot in CBD Zone of 35.5 ft. where 60 ft. is required; and

WHEREAS, the subject property is located in the Central Business District (CBD) Zone and the historic business district (HBD) Zone and the proposed mixed use commercial/residential development is a permitted conditional use and meets the conditional use requirements; and

WHEREAS, pursuant to N.J.S.A. 40:55D-52.a. the rights conferred upon the applicant shall not be changed for a period of two years and that the Planning Board may extend such period for extensions of one year, but not to exceed three extensions; and

WHEREAS, pursuant to N.J.S.A. 40:55D-52.c. the applicant may apply for the extension either before or after the expiration date. If after the expiration date the extension shall begin on what would otherwise be the expiration date.; and

WHEREAS, the initial two year period of repose from changes expired on December 2, 2022 and Kevin E. Kennedy, Esq. the attorney for the applicant has now applied for an extension of the approval; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on July 6, 2023 due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

WHEREAS, Mr. Kennedy presented the request for extension with project manager Patrick Kalian and explained the circumstances delaying the applicant from proceeding with the approvals including delays in processing outside approvals due to the Covid-19 pandemic, delays in obtaining approval from J.C.P.&L to relocate its power lines and to obtain an easement from a neighboring property owner and that the applicant expects to have completed resolution compliance by mid-August and to submit for building permits by late September; and

WHEREAS, the Planning Board having considered the circumstances and is satisfied that the applicant diligently pursued its approvals and is entitled to the grant of its first one-year extension of approval.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 3rd day of August, 2023, that the Application of **T-THREE, LLC** its first one-year extension of approval be and is hereby approved, which will commence on December 3, 2022 and conclude on December 22, 2023 and which approval is expressly conditioned upon compliance with the following terms and conditions:

All conditions of the prior resolution of approval dated December 3, 2020 shall be continuing conditions of this approval.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

OFFERED BY: Mr. Hawley

SECONDED BY: Vice Chair Neff

ROLL CALL:

YES: Mr. Boms, Mr. Caccamo, Councilmember Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff

NO: None

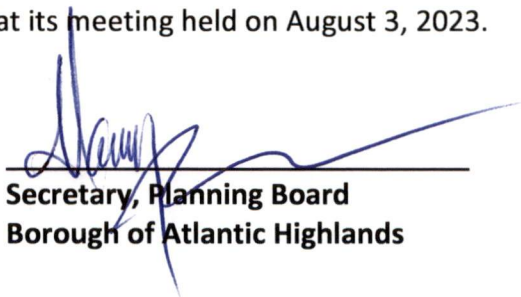
ABSTAIN: Chair McGoldrick

ABSENT: Dr. Zuzulock, Mr. Berth



**Chairperson, Planning Board
Borough of Atlantic Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on August 3, 2023.



**Secretary, Planning Board
Borough of Atlantic Highlands**