

**IN THE MATTER OF
APPLICATION NO. PB 18-04
OF THOMAS & DANELLE STUKUS
BLOCK 11 LOT 4**

**RESOLUTION DISMISSING
APPLICATION WITHOUT
PREJUDICE**

WHEREAS, THOMAS & DANELLE STUKUS, hereinafter the "Applicant", has proposed the development of property located at 8 Upper Prospect Road, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 11, Lot 4 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for bulk variance and use variance approval to construct building additions to an existing dwelling, contrary to the provisions of Exhibit 5-2 of the Development Regulations of the Borough of Atlantic Highlands; and

WHEREAS, the subject property is located in the R-3 Residential Zone District and single family homes with associated accessory structures are a permitted use in the Zone; and

WHEREAS, the application was deemed complete by the Planning Board Review Sub-Committee on March 15, 2018 and the application was scheduled for hearing at the May 10, 2018 Planning Board meeting; and

WHEREAS, the Planning Board has now received communication from Robert Dooley, the Applicant's Architect and a letter dated May 4, 2018 from the Applicant advising that the Applicant has

decided not to move forward with the proposal and is not proceeding with the application for variance relief and requesting withdrawal of the application; and

WHEREAS, the Planning Board at it's meeting conducted on June 14, 2018 considered the communication of the Applicant's Architect on behalf of the Applicant and the Applicant's letter dated May 4, 2018 and treating them as a request for withdrawal of the application and the Planning Board having taken no testimony and having reviewed no exhibits in connection with the application and having made no determination with respect to the facts concerning the application other than that the Applicant has withdrawn the request for approval. The Planning Board having determined that it is appropriate to dismiss the application without prejudice to the Applicant insofar as no presentation has been made to the Board, the Board has made no findings or conclusions with respect to the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 14th day of June, 2018 that the Application of **THOMAS & DANELLE STUKUS** be and is hereby dismissed without prejudice.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

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. Colangelo

SECONDED BY: Dr. Cetron

ROLL CALL:

YES: Mr. Illiano, Mr. Fligor, Mr. Hawley,
Mr. Caccamo, Dr. Cetron, Mr. Colangelo,
Ms. Hoffman, Mrs. Murray, Mr. Neff

NO: None

ABSTAIN: None

ABSENT: None

**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 June 14, 2018.

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