

**IN THE MATTER OF
APPLICATION NO. PB20-03
OF EVERGREEN BUILDERS, LLC
BLOCK 37 LOT 16 & 17**

**RESOLUTION DISMISSING APPLICATION
WITHOUT PREDJUDICE**

WHEREAS, EVERGREEN BUILDERS, LLC, hereinafter the "Applicant", has proposed the development of property located at 144 and 146 Wesley Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 37, Lots 16 & 17 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 subdivision approval/lot line adjustment. Proposed new lot 16.01 requires variances for lot area of 6,780 square feet where 7,500 square feet is required – Section 150-29A(II)(Exhibit 5-2) lot frontage of 59 feet where 75 feet is required Section 150-29A(II)(Exhibit 5-2) lot shape diameter of 39 feet where 50 feet is required Section 150-29A(II)(Exhibit 5-2) building height of 37.25 feet where 35 feet is permitted Section 150-29A(II)(Exhibit 5-2). Proposed lot 17.01 requires variances for lot frontage of 66 feet where 75 feet is required Section 150-29A(II)(Exhibit 5-2) lot shape diameter of 46 feet where 50 feet is required Section 150-29A(II)(Exhibit 5-2) building height of 37.25 feet where 35 feet is permitted Section 150-29A(II)(Exhibit 5-2). Contrary to the provisions of the Development Regulations of the Borough of Atlantic Highlands; and

WHEREAS, the subject property is located in the R-1 Zone District and single-family residential homes with associated accessory structures are a permitted use in the Zone; and

WHEREAS, the Applicant was scheduled to appear to present the application at the June 4, 2020 meeting of the Planning Board. The Applicant requested that the matter be carried. The application was rescheduled for the July 16, 2020 meeting. The applicant once again requested that the matter be adjourned to the August 27, 2020 meeting at which time the

hearing commenced, 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; and

WHEREAS, the Applicant's witnesses were sworn and the Planning Board commenced the hearing of the testimony of the Applicant's witnesses and examination of Exhibits submitted in favor of or in opposition to the application. The matter was not concluded and was adjourned to the October 1, 2020 meeting at the request of the Applicant; and

WHEREAS, the Applicant on the date of the October 1, 2020 hearing the Applicant requested that the matter be carried further until November 5, 2020, which request was granted, the matter was rescheduled for November 5, 2020; and

WHEREAS, the Applicant submitted revised plans to the Planning board and on November 5, 2020 the scheduled continuation hearing date, the Applicant requested that the matter be adjourned to December 3, 2020 which request was granted; and

WHEREAS, the Applicant once again requested that the matter not be heard at the December 3, 2020 hearing but requested that it be carried further and was carried at the Applicant's request to the January 7, 2021 meeting; and

WHEREAS, the Applicant failed to notice for the January 7, 2021 meeting and the hearing was required to be postponed to the February 4, 2021 meeting; and

WHEREAS, the Applicant failed to notice for or appear at the February 4, 2021 hearing or to have provided an extension of time within which to act and the Board having carried the application for six (6) months and the Applicant having failed to appear to prosecute the matter further.

NOWHEREFORE BE IT RESOLVED, by the Planning Board of Atlantic Highlands on this 4th day of March 2020 that the application of **EVERGREEN BUILDERS, LLC**, be and is hereby dismissed for failure to prosecute the application which dismissal shall be 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 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. McGoldrick

SECONDED BY: Mrs. Murray

ROLL CALL:

YES: Mr. Dougherty, Mr. Hawley, Mr. Caccamo, Mr. McGoldrick
Mr. Neff, Mrs. Murray, Mr. Sosko, Mr. Krupinski,
NO: Mr. Curry

ABSTAIN: None

ABSENT: Mr. Crowley, Mr. Pepe


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 March 4, 2021.



Secretary, Planning Board
Borough of Atlantic Highlands