

**IN THE MATTER OF
GRANTING
APPLICATION NO. PB20-11
APPROVAL
OF MORDECHAI FINKELSTEIN
BLOCK 128 LOT 26**

**RESOLUTION
EXTENSION OF**

WHEREAS, MORDECHAI FINKELSTEIN, hereinafter the "Applicant", has previously proposed the development of property located at 124 East Washington Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 128, Lot 26 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, by resolution adopted September 3, 2020, the Planning Board granted the Applicant approval to subdivide an existing 23,180 square foot parcel containing an existing single family residential home into two (2) single family residential lots. Proposed new lot 26.01 will retain the existing single-family residence and will conform in all respects to the bulk standard requirements of the R-1 Zone District. Proposed lot 26.02 will be developed with a new single family residential home and that lot will also conform in all respects to the bulk standards of the R-1 Zone. The proposed subdivision does not require any Variances or Design Standard Waivers; and

WHEREAS, pursuant to N.J.S.A. 40:55D-47 approval of a minor subdivision shall expire 190 days from the date on which the Resolution of municipal approval is adopted, unless within such period a plat in conformity with such approval and the provisions of the "map filing law" or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor; and

WHEREAS, the 190 day period set forth in the statute was to conclude on March 2, 2021; and

WHEREAS, the Applicant had difficulty completing resolution compliance and was unable to file the plat or deed within the required time period resulting in the approval expiring; and

WHEREAS, the Applicant by e-mail communication dated July 8, 2021 has advised that all items required for resolution compliance of the subdivision have been completed and requesting that the Planning Board extend the approval so that the subdivision may be perfected; and

WHEREAS, pursuant to N.J.S.A. 40:55D-47.f. & g. the Planning Board may extend 190 day period for filing a minor subdivision plat or deed if the developer proves to the reasonable satisfaction of the Planning Board that the developer was prevented directly or indirectly from filing because of delays in obtaining legally required approvals from other governmental or quasi- governmental entities and that the developer applied for promptly and diligently pursued the required approvals, which extension may be applied for either before or after what would otherwise have been the expiration date; and

WHEREAS, the Applicant's request is timely and the Planning Board at its meeting conducted on August 5, 2021 considered the request of the Applicant for an extension of approval and having determined that the request for extension is appropriate under the circumstances and that there have been no zoning changes with respect to the subject property or changes to the character of the neighborhood since the granting of the Variance relief which would change the Board's decision granting subdivision approval.

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Atlantic Highlands on this 2nd day of September, 2021 that the request for extension of MORDECHAI FINKELSTEIN be and is hereby approved which extension shall

commence on March 3, 2021 for a one year period concluding on March 2, 2022 subject to the following terms and conditions:

1. All conditions of the prior resolution of approval adopted September 3, 2020 shall be continuing conditions of this approval.

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. DOUGHERTY

SECONDED BY: MR. MCGOLDRICK

ROLL CALL: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER, MR. KRUPINSKI, MR. CURRY

YES: MR. DOUGHERTY, MR. CACCAMO, MR. MCGOLDRICK, MR. PEPE, MR. CROWTHER, MR. KRUPINSKI, MR. CURRY

NO: NONE

ABSTAIN: NONE

ABSENT: MR. CROWLEY, MR. COLANGELO, MRS. MURRAY,
MR. HAWLEY, MR. JOSKO, MR. NEFF



**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 September 2, 2021.



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