

**IN THE MATTER OF
APPLICATION NO. PB22-12
OF MICHAEL ZLATA & KEVIN CLANCY
BLOCK 61 LOT 4**

**RESOLUTION DISMISSING
APPLICATION**

WHEREAS, MICHAEL ZLATA & KEVIN CLANCY, hereinafter the "Applicant", has proposed the development of property located at 87 Memorial Parkway, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 61, 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 variance approval to convert a one car detached garaged into a two-car detached garage on a 6,250 sq. ft. lot where private garage space may be provided for one motor vehicle for each 5,000 sq. ft. of lot area with an accessory side yard setback of 3.3 feet where 5 feet is required and accessory rear yard setback of 1 foot where 10 feet is required and building height of 16.2 ft. where 16 ft. is permitted. The foregoing is contrary to the provisions of Chapter 150, Article VII, Sections 150-72, 150-29 and Exhibit 5-2 of the Development Regulations of the Borough of Atlantic Highlands; and

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

WHEREAS, the Applicant was schedule to appear before the Planning Board of the Borough of Atlantic Highlands on July 6, 2023, due notice of said meeting was not given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law so that the Planning Board was deprived of the ability to hear the application;; and

WHEREAS, the time within which the Planning Board has to act on the application is scheduled to expire prior to the next meeting of the Planning Board and the applicant not having provided an extension of time for the Planning Board to act; and

WHEREAS, the Planning Board having decided that it must act on the application in order to avoid the applicant claiming an automatic approval pursuant to N.J.S.A. 40:55D-73.b.

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 **MICHAEL ZLATA & KEVIN CLANCY** be and is hereby dismissed without prejudice and which application may be reinstated if the applicant submits a written extension of time for the Planning Board to act on the application through October 31, 2023.

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:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAIN:

ABSENT:

**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**