

**AGENDA
SPECIAL MEETING
BOROUGH OF SEA BRIGHT**

December 28, 2023 (Thursday)

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/569299397>

OR DIAL: +1 (571) 317-3112

Access Code: 569-299-397

CALL MEETING TO ORDER: 8:30 am

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

Good Morning Ladies and Gentlemen,

48 Hour Notice Requirement:

This meeting is now called to order. In line with the Borough of Sea Bright's longstanding policy of open government, and in compliance with the "Open Public Meetings Act", I wish to advise you that the **48-hour** notice requirement for this meeting has been met. A copy of the agenda was sent to the Asbury Park Press and other local newspapers on December 13, 2023 and posted on the bulletin board in the Borough office. This meeting is open to the public.

ROLL CALL:

Councilmember(s): BIEBER____ BOOKER____ CATALANO____
GORMAN____ KEELER____ LAMIA____

Mayor Kelly____

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

ORDINANCE(s):

Public Hearing: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 17-2023

AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS KNOWN AS SOUTH STREET, RIVER STREET, FORMER BLOCK 13, LOT 17 AND AN UNNAMED STREET (POPPINGER PLACE) AND ACCEPTING THE DEDICATION OF CERTAIN STREETS KNOWN AS PROPOSED FRONT STREET AND PROPOSED BLOCK 13, LOT 4 IN THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 17-2023; seconded by Councilmember _____

Roll Call: Bieber____ Booker____ Catalano____ Gorman____ Keeler____ Lamia____

Public Hearing (Ord. No. 17-2023)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 17-2023; seconded by Councilmember _____

Roll Call: Bieber____ Booker____ Catalano____ Gorman____ Keeler____ Lamia____

Councilmember _____ offered a motion to adopt Ordinance No. 17-2023 and advertise according to law; seconded by Councilmember _____

Roll Call: Bieber____ Booker____ Catalano____ Gorman____ Keeler____ Lamia____

ADJOURNMENT:

Councilmember _____ offered a motion to adjourn the special meeting; second by Councilmember _____ :

Vote: Bieber____ Booker____ Catalano____ Gorman____ Keeler____ Lamia____

ORDINANCE NO. 17-2023
**AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS
KNOWN AS SOUTH STREET, RIVER STREET, FORMER BLOCK 13, LOT 17
AND AN UNNAMED STREET (POPPINGER PLACE) AND ACCEPTING THE
DEDICATION OF CERTAIN STREETS KNOWN AS PROPOSED FRONT STREET
AND PROPOSED BLOCK 13, LOT 4 IN THE BOROUGH OF SEA BRIGHT,
COUNTY OF MONMOUTH**

WHEREAS, Denholtz Acquisition LLC (“*Denholtz*”), is the contract purchaser of certain tracts and parcels of land shown and designated on the Official Tax Map of the Borough of Sea Bright (the “*Tax Map*”) as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; and Block 15, Lots 5-12 (collectively, the “*Project Site*”), for which Denholtz has received preliminary major subdivision approval and preliminary and final site plan approval for a mixed use residential development to be known as “Haven at Sea Bright” (the “*Project*”) from the Borough of Sea Bright Planning Board; and

WHEREAS, portions of public streets known as South Street, River Street, Former Block 13, Lot 17 and an Unnamed Street (Poppinger Place) currently cross and bisect the Project Site as hereinafter more particularly described (the “*Subject Streets*”); and

WHEREAS, Denholtz has requested that the Mayor and Council of the Borough of Sea Bright vacate those portions of the Subject Streets which currently cross and bisect the Project Site, consistent with the Redevelopment Plan for the Project Site and the Project approvals; and

WHEREAS, the Mayor and Council of the Borough of Sea Bright has not accepted those portions of the Subject Streets for maintenance and the Borough of Sea Bright Council has determined that the Subject Streets are no longer desirable, necessary or required for Borough purposes, and that the public interest will be better served by releasing those lands or parts thereof; and

WHEREAS, Denholtz has presented the descriptions of the Subject Streets which are annexed hereto as *Exhibit A*, which have been reviewed and approved by the Borough Engineer; and

WHEREAS, Denholtz has requested that the Borough of Sea Bright accept dedication of certain property within the Project Site (the “*Dedicated Property*”); and

WHEREAS, Denholtz has presented the descriptions of the Dedicated Property, which are annexed hereto as *Exhibit B*, which have been reviewed and approved by the Borough Engineer.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

Section 1. The public rights arising from the dedication of the Subject Streets as described in *Exhibit A* annexed hereto are hereby released, extinguished and discharged from the said dedication, it being the intent and purpose of this Ordinance to vacate all of those portions of the Subject Streets as herein described and as shown on the Tax Map, and that any interests that the

Borough of Sea Bright may have in said Subject Streets are no longer desirable, necessary or required for Borough purposes.

Section 2. The Borough of Sea Bright shall accept from Denholtz the Dedication Property as described in *Exhibit A* thereby accepting all rights and responsibilities associated with the ownership of the Dedication Property, upon satisfactory completion of the improvements contemplated thereon pursuant to the Project approvals and subject to delivery of an acceptable form of Deed of Dedication.

Section 3. The Tax Map of the Borough of Sea Bright shall be corrected by the Municipal Engineer of the Borough of Sea Bright and filed with the Tax Assessor of the Borough of Sea Bright and the Clerk of Monmouth County within 60 days from the adoption of this Ordinance.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. All ordinances and parts of ordinances that are inconsistent with this Ordinance are superseded and repealed to the extent of any inconsistency.

Section 6. This Ordinance shall take effect upon passage and publication and as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on December 14, 2023 and will be further considered after a Public Hearing held on December 28, 2023 at the Municipal Building, 1097 Ocean Avenue, at 8:30 a.m.

INTRODUCED: December 14, 2023
PUBLIC HEARING: December 28, 2023
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

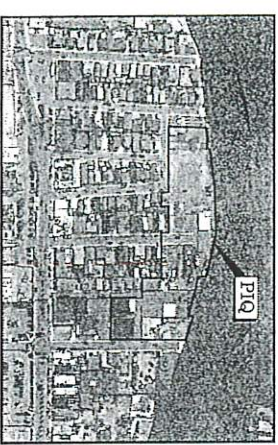
BRIAN KELLY, MAYOR

Exhibit A

SOUTH SHREWSBURY RIVER



SEE SHEET 2 OF 2 FOR CONTINUATION



KEY MAP
SCALE: 1" = 200'

ZONING TABLE

| Designation | Single Family | Multi-Family | MF-1 | MF-2 | MF-3 |
|----------------------------|---------------|--------------|------|------|------|
| Residential Single-Family | R-1 | R-2 | R-3 | R-4 | R-5 |
| Residential Medium-Density | R-6 | R-7 | R-8 | R-9 | R-10 |
| Residential High-Density | R-11 | R-12 | R-13 | R-14 | R-15 |
| Commercial | C-1 | C-2 | C-3 | C-4 | C-5 |
| Industrial | I-1 | I-2 | I-3 | I-4 | I-5 |
| Office | O-1 | O-2 | O-3 | O-4 | O-5 |
| Professional | P-1 | P-2 | P-3 | P-4 | P-5 |
| Public | PU-1 | PU-2 | PU-3 | PU-4 | PU-5 |
| Community | CO-1 | CO-2 | CO-3 | CO-4 | CO-5 |
| Special | SP-1 | SP-2 | SP-3 | SP-4 | SP-5 |
| Historic | H-1 | H-2 | H-3 | H-4 | H-5 |
| Other | OT-1 | OT-2 | OT-3 | OT-4 | OT-5 |



NOTES:

1. All zoning codes are subject to change without notice.
2. The zoning code for a particular lot is shown in the zoning table.
3. The zoning code for a particular lot is shown in the zoning table.
4. The zoning code for a particular lot is shown in the zoning table.
5. The zoning code for a particular lot is shown in the zoning table.

- LEGEND**
- Lot 10
 - Lot 11
 - Lot 12
 - Lot 13
 - Lot 14
 - Lot 15
 - Lot 16
 - Lot 17
 - Lot 18
 - Lot 19
 - Lot 20
 - Lot 21
 - Lot 22
 - Lot 23
 - Lot 24

PRELIMINARY & FINAL MAJOR SUBDIVISION & SITE PLAN
BLOCK 13, LOTS 13-18, 20, 21, 22
BLOCK 14, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

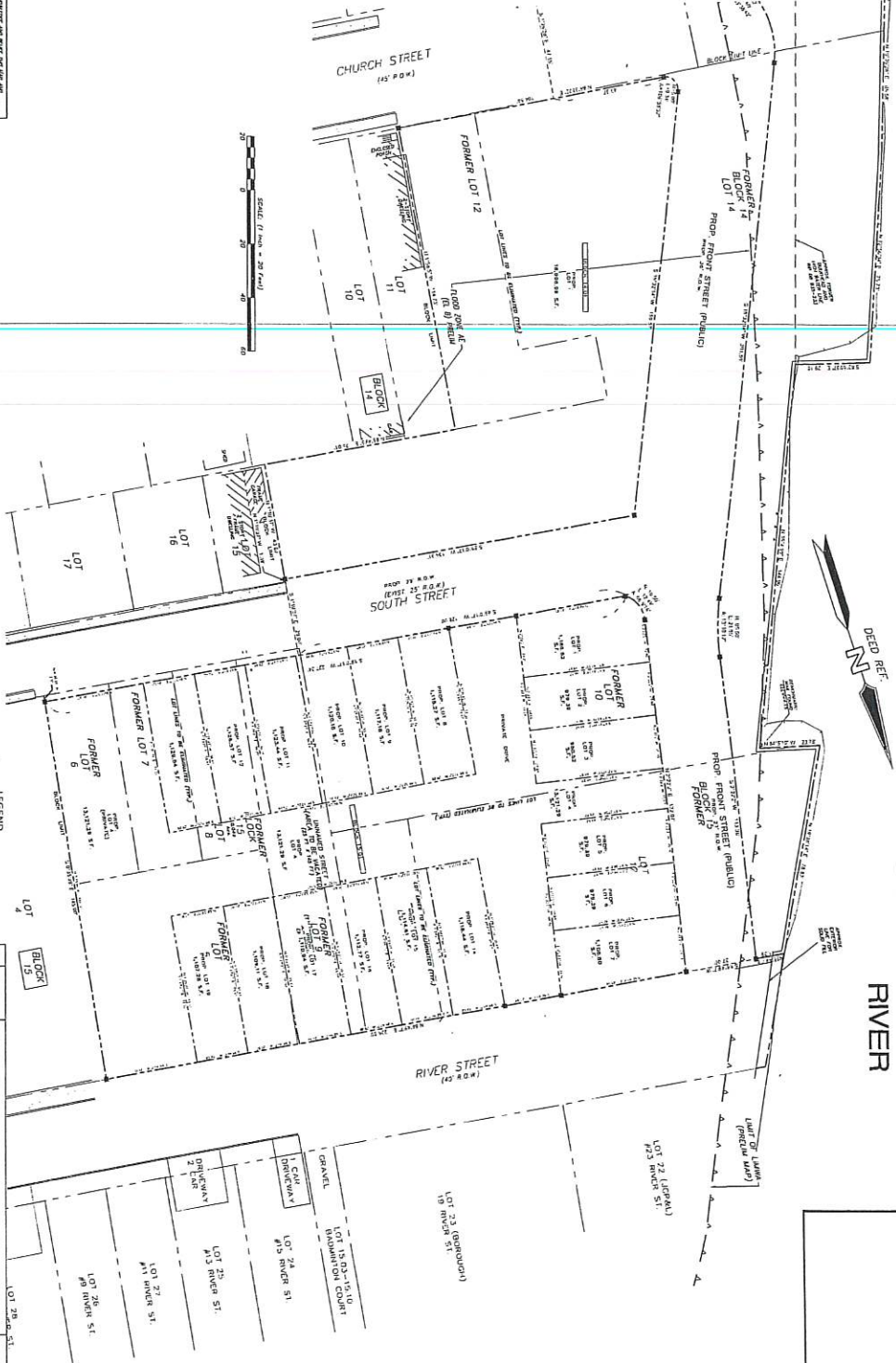
WJH ENGINEERING
1000 ROUTE 100
NEW JERSEY 07033

PETER P. BENNETT III
P.L.L.C.
1000 ROUTE 100
NEW JERSEY 07033

PRELIMINARY PLAN

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SEE SHEET 1 OF 2 FOR CONTINUATION



THESE PLANS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS AND I AM NOT PROVIDING ANY GUARANTEE OF ACCURACY OR WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE. I AM NOT PROVIDING ANY GUARANTEE OF ACCURACY OR WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE. I AM NOT PROVIDING ANY GUARANTEE OF ACCURACY OR WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE.

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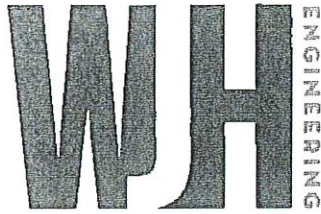
LEGEND

- 1. LOT
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- 3. STREET
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- 100. UNLAWFUL EASEMENT

PRELIMINARY & FINAL MAJOR SUBDIVISION & SITE PLAN
 BLOCK 13 LOTS 13-18, 20, 21, 22
 BLOCK 14 LOTS 12, 14
 BLOCK 15 LOTS 3-12
 BOROUGH OF SEA BRIGHT, NEW JERSEY

PRELIMINARY PLAN
 PREPARED BY: **WH** WILSON HARRIS ARCHITECTS
 415 HUNTERS LANE SUITE 200
 SEASIDE PARK, NJ 08003
 PHONE: 609-426-2222
 FAX: 609-426-2223
 DATE: 07/23/23
 SCALE: 1" = 20'

Exhibit B



DESCRIPTION OF PROPERTY BLOCK 13 FORMER LOT 17

All that a certain lot and or lots, tract or parcel of land situate, lying and being in the Borough of Sea Bright, County of Monmouth, State of New Jersey and being more particularly described as follows:

Beginning at a point in the westerly right-of-way line of Front Street (35' wide), said point being North 01 degrees 32 minutes 29 seconds West, a distance of 88.25 (feet), from the intersection of the northerly right-of-way line of Beach Street (35' wide) with westerly right-of-way line of Front Street and running; thence.

- 1) North 87 degrees 55 minutes 15 seconds West, a distance of 139.97 (feet), to a point; thence
- 2) North 18 degrees 11 minutes 14 seconds West, a distance of 30.02 (feet), to a point; thence
- 3) South 87 degrees 55 minutes 15 seconds East, a distance of 148.59 (feet), to a point in the westerly right-of-way of Front Street; thence
- 4) South 01 degrees 32 minutes 29 seconds East, along the aforementioned, a distance of 28.22 (feet), to the point and place of BEGINNING.

Aforementioned is prepared in accordance with a plan entitled, "Preliminary and Final Major Subdivision and Site Plan," in Block 13 Lots 13-18, 20,21 and 22, Block 14 Lots 12 and 14, Block 15 Lots 5-12, in the Borough of Sea Bright, Monmouth County, New Jersey", dated 09/25/23, Last revised 12/05/2023 prepared by WJH Engineering.

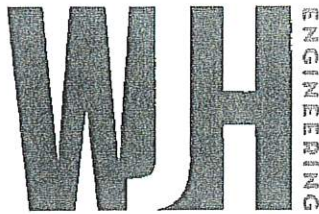
Containing 4,063.42 S.F. or 0.11 acres +/-.

12-05-23

Date

Peter P. Bennett III

Peter P. Bennett III
Professional Land Surveyor
New Jersey License # 40651



DESCRIPTION OF PROPOSED RIGHT OF WAY

All that a certain lot and or lots, tract or parcel of land situate, lying and being in the Borough of Sea Bright, County of Monmouth, State of New Jersey and being more particularly described as follows:

Beginning at a concrete monument to be set in the westerly right-of-way line of Front Street (35' wide), said point being North 01 degrees 32 minutes 29 seconds West, a distance of 194.92 (feet), from a concrete monument to be set at the intersection of the westerly right-of-way line of Front Street with the southerly property line of Lot 1 in Block 13.01 and running; thence

- 1) Along a curve to the right, along the new westerly right-of-way line of Front Street, having a radius of 30.65 (feet), an arc length of 44.83 (feet), having a delta angle of 83 degrees 47 minutes 44 seconds, having a chord bearing of North 43 degrees 44 minutes 23 seconds West and a chord distance of 40.94 (feet), to a concrete monument to be set of tangency; thence
- 2) North 01 degrees 26 minutes 38 seconds West, along the aforementioned, a distance of 144.82 (feet), to a concrete monument to be set in the new southerly right-of-way line of Church Street (45' wide); thence.
- 3) North 85 degrees 07 minutes 23 seconds East, along the aforementioned, a distance of 31.19 (feet), to a concrete monument to be set in the new easterly right-of-way line of Front Street; thence.
- 4) South 01 degrees 58 minutes 08 seconds East, along the aforementioned, a distance of 94.43 (feet), to a concrete monument to be set; thence.

- 5) North 83 degrees 15 minutes 29 seconds East, along the aforementioned, a distance of 7.42 (feet), to a concrete monument to be set: thence.
- 6) South 00 degrees 45 minutes 27 seconds East, along the aforementioned, a distance of 47.86 (feet), to a concrete monument set in the northerly right-of-way line of New Street (40' wide); thence.
- 7) South 85 degrees 08 minutes 38 seconds West, along the afore mentioned, a distance of 11.34 (feet), to a point in the existing westerly right-of-way line of Front Street, if extended northerly; thence
- 8) South 01 degrees 32 minutes 29 seconds East, a distance of 34.69 (feet), to the point and place of BEGINNING.

Aforementioned is prepared in accordance with a plan entitled, "Preliminary and Final Major Subdivision and Site Plan," in Block 13 Lots 13-18, 20,21 and 22, Block 14 Lots 12 and 14, Block 15 Lots 5-12, in the Borough of Sea Bright, Monmouth County, New Jersey", dated 09/25/23, Last revised 12/05/2023 prepared by WJH Engineering.

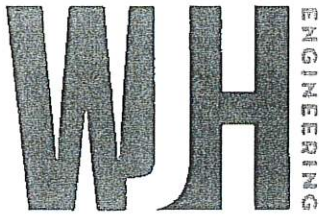
Containing 5,578.89 S.F. or 0.128 acres +/-.

12-05-23

Date

Peter P. Bennett III

Peter P. Bennett III
Professional Land Surveyor
New Jersey License # 40651



DESCRIPTION OF PROPOSED RIGHT OF WAY

All that a certain lot and or lots, tract or parcel of land situate, lying and being in the Borough of Sea Bright, County of Monmouth, State of New Jersey and being more particularly described as follows:

Beginning at a concrete monument to be set at the intersection of the proposed westerly right-of-way line of Front Street (width varies), with the southerly right-of-way line of Church Street (45' wide) and running; thence.

- 1) South 88 degrees 33 minutes 22 seconds West, along the aforementioned, a distance of 56.85 (feet), to a concrete monument to be set in the new westerly right-of-way line of Front Street; thence.
- 2) North 01 degrees 26 minutes 38 seconds West, along the aforementioned, a distance of 6.63 (feet), to a concrete monument to be set at a point of curvature; thence.
- 3) Along the aforementioned, along a curve to the right, having a radius of 33.50 (feet), an arc thence of 60.60 (feet), having a delta angle of 103 degrees 38 minutes 42 seconds, having a chord bearing of North 36 degrees 17 minutes 07 seconds West and a chord distance of 52.67 (feet), to a concrete monument to be set at a of tangency; thence.
- 4) North 15 degrees 32 minutes 14 seconds East, along the aforementioned, a distance of 201.50 (feet), to a concrete monument to be set at a point of curvature; thence.

- 5) Along the aforementioned, along a curve to the left, having a radius of 95.50 (feet), an arc length of 21.95 (feet), having a delta angle of 13 degrees 10 minutes 12 seconds, having a chord bearing of North 08 degrees 57 minutes 08 seconds East and a chord distance of 21.90 (feet), to a concrete monument to be set at a point of tangency; thence.
- 6) North 02 degrees 22 minutes 02 seconds East, along the aforementioned, a distance of 113.36 (feet), to a concrete monument to be set in the southerly right-of-way line of River Street (40' wide); thence.
- 7) South 88 degrees 49 minutes 07 seconds West, along the aforementioned, a distance of 27.00 (feet), to a concrete monument to be set in the proposed easterly right-of-way line of Front Street; thence.
- 8) South 02 degrees 22 minutes 02 seconds West, along the aforementioned, a distance of 132.07 (feet), to a concrete monument to be set at a point of curvature; thence.
- 9) Along the aforementioned, along a curve to the left, having a radius of 10.50 (feet), an arc length of 12.49 (feet), having a delta angle of 68 degrees 09 minutes 14 seconds, having a chord bearing of South 31 degrees 42 minutes 35 seconds East and a chord distance of 11.17 (feet), to a concrete monument to be set a point of tangency in the northerly right-of-way line of South Street (width Varies); thence
- 10) North 89 degrees 00 minutes 17 seconds East, along the aforementioned, a distance of 128.00 (feet), to a point; thence
- 11) South 01 degrees 10 minutes 37 seconds East, along the aforementioned, a distance of 29.00 (feet), crossing over to the proposed southerly right-of-way line of South Street (29 wide); thence.
- 12) South 89 degrees 01 minutes 17 seconds West, along the aforementioned, a distance of 136.91 (feet), to a concrete monument set in the proposed easterly right-of-way line of Front Street (36' wide); thence.
- 13) South 15 degrees 32 minutes 14 seconds West, along the aforementioned, a distance of 159.57 (feet), to a concrete monument set a point of curvature; thence.

- 14) Along the aforementioned, along a curve to the left, having a radius of 5.00 (feet), an arc length of 9.34 (feet), having a delta angle of 106 degrees 58 minutes 52 seconds, having a chord bearing of South 37 degrees 57 minutes 12 seconds East and a chord distance of 8.04 (feet), to a concrete monument set at a point of tangency in the existing northerly right-of-way line of Church Street (45' wide); thence
- 15) North 88 degrees 33 minutes 22 seconds East, along the aforementioned, a distance of 43.37 (feet) to a point; thence
- 16) South 01 degrees 26 minutes 38 seconds East, passing across Church Street, a distance of 47.15 (feet), to the point and place of BEGINNING.

Aforementioned is prepared in accordance with a plan entitled, "Preliminary and Final Major Subdivision and Site Plan," in Block 13 Lots 13-18, 20,21 and 22, Block 14 Lots 12 and 14, Block 15 Lots 5-12, in the Borough of Sea Bright, Monmouth County, New Jersey", dated 09/25/23, Last revised 12/05/2023 prepared by WJH Engineering.

Containing 18,555.31 S.F. or 0.423 acres +/-.

12-05-23

Date

Peter P. Bennett III

Peter P. Bennett III
Professional Land Surveyor
New Jersey License # 40651