

**MINUTES
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](tel:+15713173112)

Access Code: 569-299-397

Mayor Kelly called the meeting to order at 8:40 a.m. and requested those present to join in the Pledge of Allegiance.

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.

PRESENT: Mayor Brian P. Kelly

Councilmember's Erwin Bieber, Jefferey M. Booker, Sr.,
Heather Gorman, William J. Keeler

ABSENT: Councilmember's Samuel A. Catalano, John M. Lamia, Jr.

OTHERS: Administrator Joseph L. Verruni, Attorney Roger McLaughlin,
Attorney William Wolf, Engineer Dave Hoder, Deputy Clerk Michelle Graham

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.

No one wished to be heard.

ORDINANCE(s):

Councilmember Bieber offered a motion to make minor, insubstantial amendments to Ordinance No. 17-2023; seconded by Councilmember Lamia:

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Absent	Yes	Yes	Yes	Yes

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

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Absent	Yes	Yes	Yes	Yes

Public Hearing (Ord. No. 17-2023)

No one wished to be heard.

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

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Absent	Yes	Yes	Yes	Yes

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

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Absent	Yes	Yes	Yes	Yes

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.

Administrator Verruni stated that we will not be filing the final subdivision with the County Clerk until Engineer Dave Hoder and Redevelopment Attorney William Wolf are satisfied.

ADJOURNMENT:

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

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Absent	Yes	Yes	Yes	Yes

Respectfully submitted,

Christine Pfeiffer
Borough Clerk