

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 Brough 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: December 28, 2023

Witness


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT

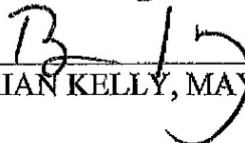
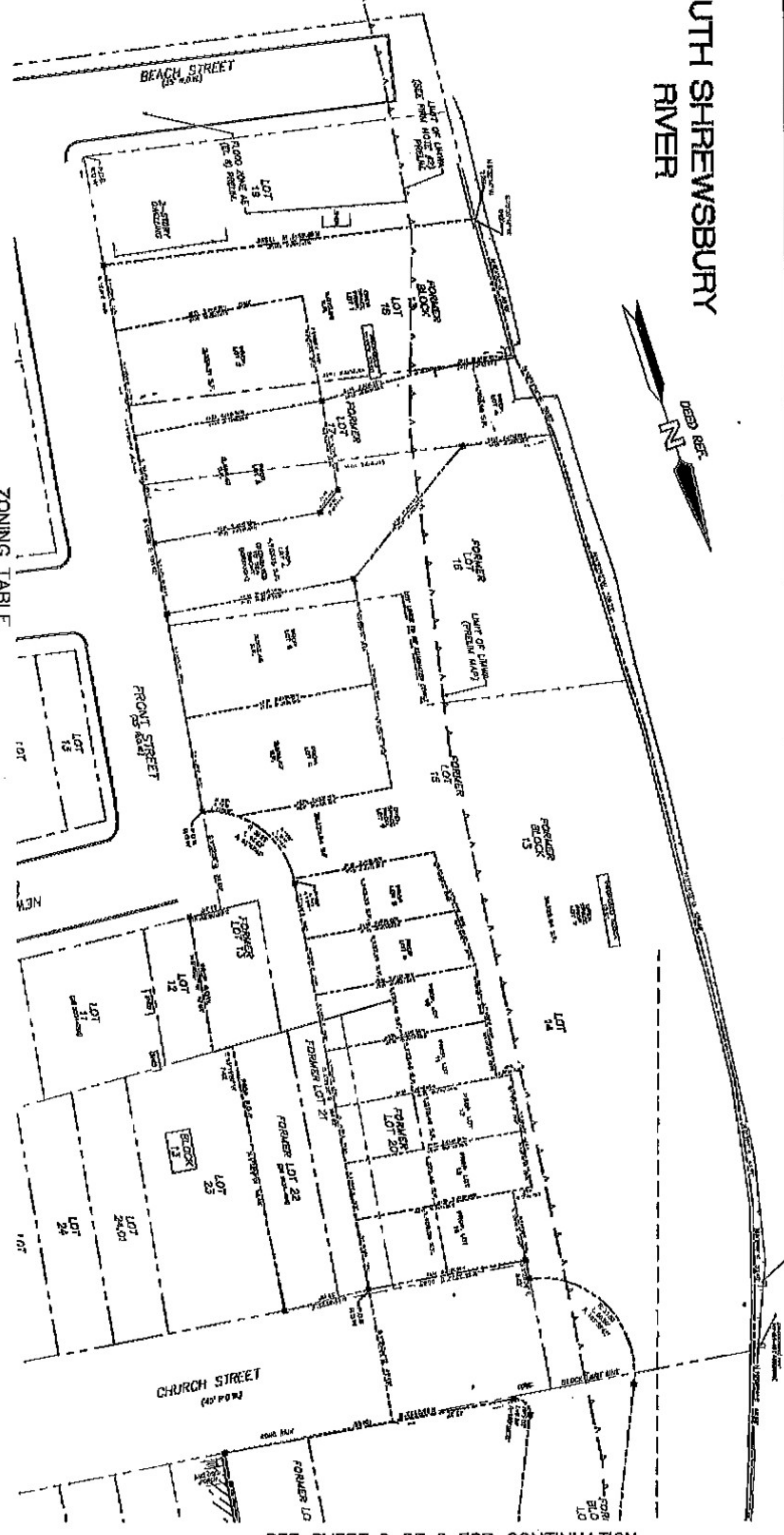
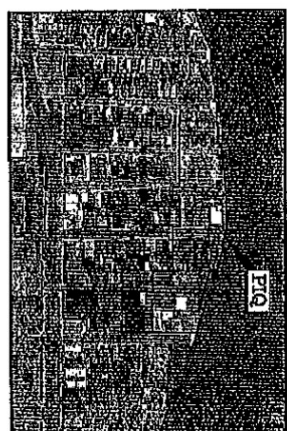

BRIAN KELLY, MAYOR

Exhibit A

SOUTH SHREWSBURY RIVER



SEE SHEET 2 OF 2 FOR CONTINUATION



KEY MAP
SCALE 1"=200'

ZONING TABLE

| Zone | Use | Min. Lot Area | Min. Front Setback | Min. Side Setback | Min. Rear Setback | Min. Height | Max. Height | Max. Floor Area | Max. Coverage | Other |
|---------------------------------|------------------------|---------------|--------------------|-------------------|-------------------|-------------|-------------|-----------------|---------------|-------|
| Residential Single-Family (RS) | Single-Family Detached | 10,000 | 25' | 5' | 10' | 35' | 45' | 10,000 | 30% | None |
| Residential Medium-Density (RM) | Single-Family Detached | 5,000 | 20' | 5' | 10' | 35' | 45' | 5,000 | 30% | None |
| Residential High-Density (RH) | Single-Family Detached | 2,500 | 15' | 5' | 10' | 35' | 45' | 2,500 | 30% | None |
| Commercial (C) | General Commercial | 5,000 | 20' | 5' | 10' | 35' | 45' | 5,000 | 30% | None |
| Industrial (I) | General Industrial | 10,000 | 25' | 5' | 10' | 35' | 45' | 10,000 | 30% | None |

LEGEND

ZONING DISTRICT
 LOT LINES
 STREETS
 RIVER
 PROPOSED LOT LINES
 PROPOSED STREETS
 PROPOSED RIVER FRONTAGE
 PROPOSED BUILDING FOOTPRINTS
 PROPOSED DRIVEWAYS
 PROPOSED UTILITY LINES
 PROPOSED EASEMENTS
 PROPOSED ENCROACHMENTS
 PROPOSED SETBACKS
 PROPOSED HEIGHTS
 PROPOSED FLOOR AREAS
 PROPOSED COVERAGES
 PROPOSED OTHER

NOTES

1. ALL PROPOSED LOT LINES, STREETS, RIVER FRONTAGE, BUILDING FOOTPRINTS, DRIVEWAYS, UTILITY LINES, EASEMENTS, ENCROACHMENTS, SETBACKS, HEIGHTS, FLOOR AREAS, COVERAGES, AND OTHER SHALL BE SHOWN IN RED ON THIS PLAN.

2. ALL PROPOSED LOT LINES, STREETS, RIVER FRONTAGE, BUILDING FOOTPRINTS, DRIVEWAYS, UTILITY LINES, EASEMENTS, ENCROACHMENTS, SETBACKS, HEIGHTS, FLOOR AREAS, COVERAGES, AND OTHER SHALL BE SHOWN IN BLACK ON THIS PLAN.

3. ALL PROPOSED LOT LINES, STREETS, RIVER FRONTAGE, BUILDING FOOTPRINTS, DRIVEWAYS, UTILITY LINES, EASEMENTS, ENCROACHMENTS, SETBACKS, HEIGHTS, FLOOR AREAS, COVERAGES, AND OTHER SHALL BE SHOWN IN BLUE ON THIS PLAN.

PRELIMINARY & FINAL MAJOR SUBDIVISION & SITE PLAN

BLK 13 LOTS 1-8, 20, 21, 22
 BLK 14 LOTS 12, 14
 BLK 15 LOTS 3-12

NEW SHREWSBURY, VERMONT

PRELIMINARY PLAT

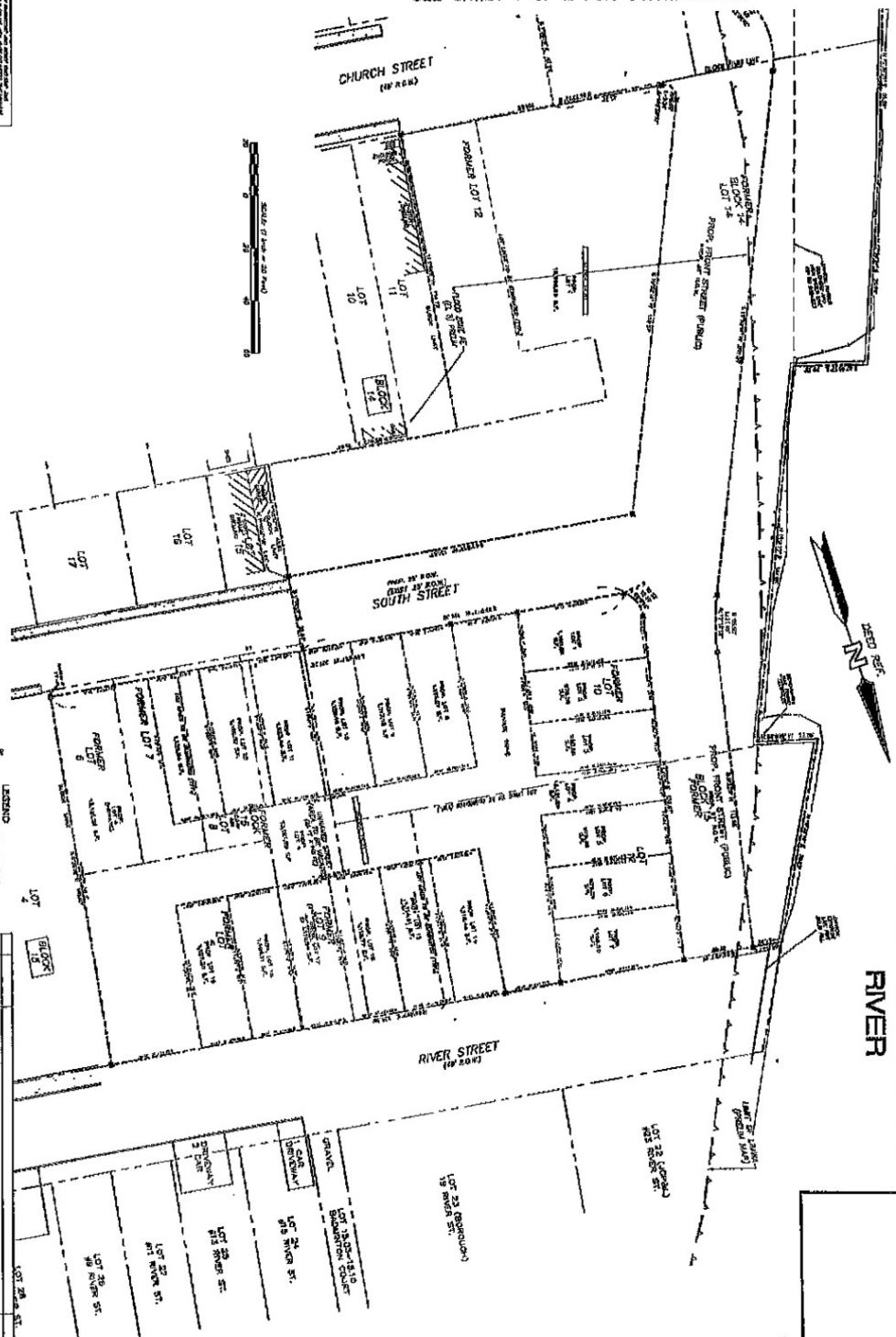
BY: **PETER F. BONNETTI III**
 VERMONT LAND SURVEYOR, No. 4848

DATE: _____

200' ADJOINING OWNERS

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

SEE SHEET 1 OF 2 FOR CONTINUATION



SOUTH SHREWSBURY
RIVER

PROVISIONS OF THE ZONING ORDINANCE
 The provisions of the zoning ordinance shall apply to all lots shown on this plan unless otherwise indicated.

PROVISIONS OF THE SUBDIVISION ACT
 The provisions of the subdivision act shall apply to all lots shown on this plan unless otherwise indicated.

PROVISIONS OF THE PLANNING AND ZONING ACT
 The provisions of the planning and zoning act shall apply to all lots shown on this plan unless otherwise indicated.

- LEGEND**
- Proposed boundary
 - - - Existing boundary
 - Proposed structure
 - - - Existing structure
 - Proposed easement
 - Existing easement
 - Proposed utility
 - Existing utility
 - Proposed right-of-way
 - Existing right-of-way
 - Proposed setback
 - Existing setback
 - Proposed lot line
 - Existing lot line
 - Proposed street line
 - Existing street line
 - Proposed driveway
 - Existing driveway
 - Proposed parking
 - Existing parking
 - Proposed fence
 - Existing fence
 - Proposed wall
 - Existing wall
 - Proposed gate
 - Existing gate
 - Proposed gate post
 - Existing gate post
 - Proposed gate post cap
 - Existing gate post cap
 - Proposed gate post base
 - Existing gate post base
 - Proposed gate post top
 - Existing gate post top
 - Proposed gate post bottom
 - Existing gate post bottom
 - Proposed gate post side
 - Existing gate post side
 - Proposed gate post end
 - Existing gate post end
 - Proposed gate post corner
 - Existing gate post corner
 - Proposed gate post joint
 - Existing gate post joint
 - Proposed gate post splice
 - Existing gate post splice
 - Proposed gate post weld
 - Existing gate post weld
 - Proposed gate post bolt
 - Existing gate post bolt
 - Proposed gate post nut
 - Existing gate post nut
 - Proposed gate post washer
 - Existing gate post washer
 - Proposed gate post spacer
 - Existing gate post spacer
 - Proposed gate post sleeve
 - Existing gate post sleeve
 - Proposed gate post cap nut
 - Existing gate post cap nut
 - Proposed gate post cap washer
 - Existing gate post cap washer
 - Proposed gate post cap spacer
 - Existing gate post cap spacer
 - Proposed gate post cap sleeve
 - Existing gate post cap sleeve
 - Proposed gate post cap bolt
 - Existing gate post cap bolt
 - Proposed gate post cap nut
 - Existing gate post cap nut
 - Proposed gate post cap washer
 - Existing gate post cap washer
 - Proposed gate post cap spacer
 - Existing gate post cap spacer
 - Proposed gate post cap sleeve
 - Existing gate post cap sleeve
 - Proposed gate post cap bolt
 - Existing gate post cap bolt

PRELIMINARY & FINAL MAJOR SUBDIVISION & SITE PLAN
 BLOCK 14, LOTS 1, 2, 11, 12, 13, 14, 15
 NEW JERSEY
 PRELIMINARY PLAN

W.H. HARRIS & SONS
 ENGINEERS AND ARCHITECTS
 1000 BROADWAY
 NEW YORK, N.Y.

PETER F. BENDIS III
 ATTORNEY AT LAW
 1000 BROADWAY
 NEW YORK, N.Y.

PROVISIONS OF THE ZONING ORDINANCE
 The provisions of the zoning ordinance shall apply to all lots shown on this plan unless otherwise indicated.

PROVISIONS OF THE SUBDIVISION ACT
 The provisions of the subdivision act shall apply to all lots shown on this plan unless otherwise indicated.

PROVISIONS OF THE PLANNING AND ZONING ACT
 The provisions of the planning and zoning act shall apply to all lots shown on this plan unless otherwise indicated.

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