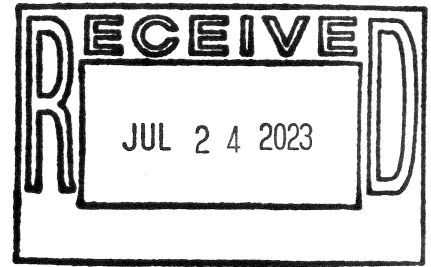


**THOMAS J. HIRSCH**

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July 21, 2023

Planning Board of the Borough of Bradley Beach  
701 Main Street  
Bradley Beach, NJ 07720  
Attn: Ms. Kristie Dickert, Secretary

Re: Coastal Custom Builders  
Block 32, Lots 17 & 18  
803 & 811 Main Street  
Request for Extension of Time For Approvals

Dear Ms. Dickert:

I represent Coastal Custom Builders. The above-referenced site plan variance and application was approved by the Board and memorialized in the Board's resolution of September 24, 2020. The Municipal Land Use Law provides that the final site plan approval is protected from any changes in development regulations for a period of two years from the date of the resolution. Therefore, the initial two-year period expired on September 23, 2022. I note the protection provided by the COVID-19 Permit Extension Act expired on July 4, 2021.

However, I filed on behalf of my client a request for a one-year extension pursuant to N.J.S.A. 40:55D-52. That statute provides that the Board granting the approval of the site plan may grant up to three one-year extensions protecting the site plan from any changes in the development regulations. The Board placed the matter on their agenda, and we appeared before the Board, and as a result of that hearing, the Board voted to approve a one-year extension. I attach a copy of the Board's resolution approving the one-year extension. Therefore, that extension extended the final site plan protections afforded to the final site plan approval to September 23, 2023.

My client has been prepared to move forward with the development; however, we have an issue standing in the way of resolution compliance which is the question of my client's development providing some Affordable Housing units as part of the development. When the application was presented back in 2020, there was no mention made of Affordable Housing being required during the course of the hearing nor was

any such housing proposed in the development as all the units were presented as market rate units.

However, as my client was moving forward to obtain all the information for resolution compliance, the Board engineer noted in resolution compliance letter that my client was required to pay Development Fees for Affordable Housing. Therefore, I undertook to determine what the basis of that requirement was. Originally, I reached out for the Borough planner, Jennifer Beahm, asking what the Borough's position was on the Affordable Housing and the basis for any such position. I sent my email on March 7, 2022. However, she then referred me to Ron Cucchiaro, Esq. as the attorney who was handling Affordable Housing for the Borough. I then wrote a detailed letter outlining our position on Affordable Housing and asking for him to provide me the information as to the Borough's position on Affordable Housing related to the 2020 project on April 6, 2022. I did not receive a response and therefore then sent a follow-up email on April 8, 2022. Thereafter, I once again sent another email trying to get a response as to the Borough's position on May 6, 2022. My email of March 1, 2023 to Mr. Cucchiaro set forth our position on the COAH regulations and statutes that would be applicable to the question of Affordable Housing and asked for his position on same.

I eventually had a conversation with Mr. Cucchiaro. He indicated he was working on a response and that the Borough had been in court on a declaratory judgment action related to the Affordable Housing issue. I then ultimately received a letter from Mr. Cucchiaro dated May 25, 2023 outlining the Borough's position and citing to three ordinances which are essentially organized seemingly as a single ordinance adopted in 2017.

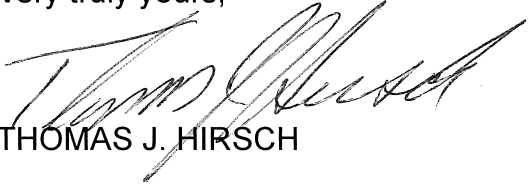
I provided this information to our Affordable Housing consultant in order to respond to the legal issues raised. Therefore, my client has held up filing any construction permits until the issue is fully resolved as the determination as to what, if any, Affordable Housing he has to provide or any contribution he would have to make is decided as it could affect the viability of the project.

I will in the very near future be providing a response on behalf of my client with input from our consultant, and we look forward to amicably resolving the issue. However, at this point after the very lengthy delays that we've had on this issue as outlined herein, we are not certain that we will be able to obtain a resolution prior to the current one-year extension expiring. Therefore, to avoid any subsequent issues related to the development, my client is seeking an additional one-year extension. In other words, this would be the second one-year extension out of the three permitted by statute. The extension itself would not in any way affect the Affordable Housing issue but simply give us time to make sure it's resolved so the project is finalized. The project itself is an excellent project that the Board was very supportive of and believed it was an excellent development for the site in question when approved.

I am enclosing my client's checks for the application fee of \$200 and the escrow of \$700. I've also attached the original resolution approving the project for the Board's

easy reference. If you or the Board have any questions or need any additional information, please do not hesitate to contact me. As always, your help and cooperation are greatly appreciated.

Very truly yours,



THOMAS J. HIRSCH

TJH:bm

cc: Coastal Custom Builders