

April 12, 2023

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**RESOLUTION 2023-131**

**RESOLUTION AUTHORIZING THE MINOR ENCROACHMENT OF ONE STAIR OF THE ENTRY STAIRWAY FOR 414 MCCABE AVENUE, A/K/A BLOCK 29, LOT 21 TO BE LOCATED WITHIN THE MUNICIPAL RIGHT-OF-WAY**

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**WHEREAS**, the Borough of Bradley Beach (the “Borough”) maintains various public rights-of-way for the purpose of facilitating municipal infrastructure throughout the Borough; and

**WHEREAS**, Anthony DePaola (the “Owner”) filed Application No. LUB22/08 with the Borough’s Land Use Board, seeking to improve his property located 414 McCabe Avenue, also known as Block 29, Lot 21 (the “Property”), which improvements included a new entry stairway for the Property fronting on McCabe Avenue; and

**WHEREAS**, the new entry stairway for the Property fronting on McCabe Avenue required that one stair be located within the Borough’s right-of-way in order to meet certain elevations and accommodate certain existing conditions on the Property; and

**WHEREAS**, at the Owner’s hearing before the Borough’s Land Use Board, it was disclosed and discussed that the subject stair must be located within the Borough’s right-of-way in order to properly construct the Property’s new entry stairway; and

**WHEREAS**, the Borough’s Land Use Board approved the Owner’s plans for the Property, and granted the requested land use approvals under Resolution 2022-13, dated July 28, 2022; and

**WHEREAS**, having reviewed the matter with the Borough’s Land Use Attorney and the Borough Attorney, the Mayor and Council find it to be in the best interests of the Borough, and for the proper construction of the improvements at the Property, to authorize one stair of the new entry stairway to the Property to be located within the municipal right-of-way;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Bradley Beach hereby authorize the encroachment of one stair of the entry stairway to 414 McCabe Avenue, also known as Block 29, Lot 21, to be located within the Borough’s right-of-way along McCabe Avenue, provided that the Owner shall immediately update Application No. LUB22/08 with the Borough’s Land Use Board, including the filing of an as-built survey that specifically depicts and details the authorized encroachment within the Borough’s right-of-way.

Seconded by Councilperson DeNoble and adopted upon the following vote:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ms. DeMarco	X			
Ms. DeNoble	X			
Mr. Gubitosi	X			
Mr. Weber	X			
Mayor Fox			X	

**CERTIFICATION**

I, Erica Kostyz, Borough Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the April 12, 2023 Council Business Meeting.

  
Erica Kostyz, RMC, CMR  
Municipal Clerk