

August 16, 2023

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**RESOLUTION 2023-224**

**RESOLUTION AUTHORIZING THE MINOR ENCROACHMENT OF THE ENTRY PATHWAY, INCLUDING TWO STAIRS, AND THE EXISTING DRIVEWAY FOR 704 FOURTH AVENUE, A/K/A BLOCK 58, LOT 12 TO BE LOCATED WITHIN THE MUNICIPAL RIGHT-OF-WAY**

---

**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**, following the completion of certain improvements, James G. Frederick (the “Owner”) seeks a Certificate of Occupancy for his property located 704 Fourth Avenue, also known as Block 58, Lot 12 (the “Property”), which improvements included a new entry pathway for the Property fronting on Fourth Avenue, adjacent to an existing driveway; and

**WHEREAS**, the Property’s new entry pathway, including two stairs, as well as the existing driveway fronting on Fourth Avenue must be located within the Borough’s right-of-way in order to meet the existing elevation of the public sidewalk and driveway apron, and to accommodate existing conditions on the Property; and

**WHEREAS**, 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 the new entry pathway, including two stairs, and the existing driveway for the Property fronting on Fourth Avenue 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 the entry pathway, including two stairs, and the existing driveway at 704 Fourth Avenue, also known as Block 58, Lot 12, to be located within the Borough’s right-of-way along Fourth Avenue, provided that the Owner shall update all pending, existing and/or previously approved applications for said improvements as to land use, construction, and/or code, as may be applicable, including the filing of an as-built survey with each such department of the Borough that specifically depicts and details the authorized encroachment within the Borough’s right-of-way.

Seconded by Councilperson \_\_\_\_\_ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeMarco				
Ms. DeNoble				
Mr. Gubitosi				
Mr. Weber				
Mayor Fox				

**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 August 16, 2023 Council Business Meeting.

---

Erica Kostyz, RMC, CMR  
Municipal Clerk