

RESOLUTION

**KEANSBURG PLANNING BOARD OF ADJUSTMENT
KEVIN BUDGE
BAYVIEW AVENUE
KEANSBURG, NJ
BLOCK 18, LOT 25**

RESOLUTION OF DISMISSAL, WITHOUT PREJUDICE

WHEREAS, on or about August 10, 2025, Agents of Kevin Budge submitted a Development Permit to the Borough of Keansburg; and

WHEREAS, the said materials related to the vacant property located at Bayview Avenue, Keansburg, NJ, and more formally identified as Block 18, Lot 25; and

WHEREAS, the said materials were submitted in the hope of the Applicant securing Approval to effectuate the following:

- Construction of a new single-family dwelling at the site; and

WHEREAS, in response to the aforesaid Permit request, on or about July 07, 2025, the Borough's Zoning Officer issued a Zoning Denial Letter; and

WHEREAS, the aforesaid Zoning Denial Letter indicated that in order to proceed with the project, the Applicant would need to receive formal Variance Approval from the Keansburg Planning Board of Adjustment; and

WHEREAS, in furtherance thereof, the Board Engineer issued a Review Letter; and

WHEREAS, the said Hearing was publicly Noticed, in accordance with New Jersey Law; and

WHEREAS, immediately prior to the Hearing, a further review of the matter indicated that the Applicant's Block 18, Lot 25 Lot may have merged (under the Doctrine of Merger) with the adjacent Lot also owned by the Applicant; and

WHEREAS, in furtherance thereof, and with the consent of the Applicant's representatives, the Application was formally adjourned so that the Applicant and his legal/Title representatives could more formally review the issue; and

WHEREAS, subsequent thereto, the Applicant retained an attorney; and

WHEREAS, as referenced, the Board Attorney had suggested that, under the circumstances, the Applicant's two (2) adjacent Lots may have merged under the Doctrine of Merger, thereby requiring a formal Subdivision before any further construction Approvals could be issued; and

WHEREAS, in response thereto, the Applicant's representatives ultimately indicated that they would have a Subdivision Plan prepared, submit a Subdivision Application, and re-Notice for a new/different Hearing date; and

WHEREAS, subsequent thereto, the said Application has been adjourned/carried on a number of occasions; and

WHEREAS, the said Subdivision Application was most recently scheduled to be heard at the February 09, 2026 meeting; and

WHEREAS, as of February 09, 2025, a Subdivision Plan has not been prepared/submitted, and no new Notice was prepared/issued/sent; and

WHEREAS, under the circumstances, it is believed that a Dismissal of the Application, without Prejudice, is appropriate and necessary; and

WHEREAS, pursuant to the February 09, 2025 conversation between the Board Attorney and the Applicant's Attorney, the parties agreed to such a Dismissal of the Application, without Prejudice; and

WHEREAS, it is therefore necessary for the Board to officially/formally Dismiss the Application, without prejudice; and

WHEREAS, such a dismissal will allow the Borough/Zoning Office/Board to officially close the file on the matter; and

WHEREAS, such a dismissal will also facilitate the return of any unused Escrow charges (to the Applicant); and

WHEREAS, in addition to the above, under New Jersey Law, if an Application is not ruled upon in a timely fashion, there could, under certain circumstances, be an automatic approval; and

WHEREAS, an automatic Approval of any Application could have a significant and detrimental impact upon the Borough of Keansburg; and

WHEREAS, the concept of an "automatic Approval" is diametrically opposed to the traditional practice employed by the Land Use Board in reviewing submitted Zoning Applications; and

WHEREAS, an automatic Approval would not be in the best interest of the Borough of Keansburg, or the residents thereof;

NOW, THEREFORE, BE IT RESOLVED, by the members of the Keansburg Planning Board of Adjustment as follows:

1. With the consent of the Applicant's attorney, the Kevin Budge Application regarding the Bayview Avenue, Keansburg, NJ property (Block 18, Lot 25) is hereby **Dismissed, without prejudice.**

2. That the Applicant shall cause all outstanding Application/Escrow charges (if any) to be satisfied, in full.

3. That upon satisfaction of any outstanding Municipal bills/invoices, any remaining Escrow charges shall be returned to the Applicant.

4. That the Board Secretary, Board Attorney, and Zoning Office Representatives are hereby authorized to take all reasonable actions necessary to effectuate the intentions of the within Resolution.

5. That a certified true copy of the within Resolution shall be forwarded to the following:

- a. The Applicant;
- b. The Applicant's Attorney;
- c. The Board Attorney; and
- d. The Borough's Zoning Office.

6. That if the subject Subdivision Application is re-submitted within sixty (60) days of the date hereof, then, in that event, the Applicant is not required to submit any new Application fee.

FOR THE DISMISSAL: Mr. Raymond Preston, Mr. John Donohue, Mr. Michael Flynn, Ms. Eileen Enright, Mr. Daniel Shields, Mr. Dominick Grasso, & Mr. Bernard Comey.

AGAINST THE DISMISSAL: None

ABSTENTIONS: None

FOR THE RESOLUTION: Mr. Raymond Preston, Mr. John Donohue, Mr. Michael Flynn, Ms. Eileen Enright, Mr. Daniel Shields, Mr. Dominick Grasso, & Mr. Bernard Comey.

AGAINST THE RESOLUTION: None

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Keansburg Planning Board of Adjustment on this 9th day of February, 2026.


Mackenzie Bittle, Land Use Board Secretary

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