

APPLICANT: SETUL PARIKH
APPLICANT'S ATTORNEY:
APPLICATION NO.: PB 2017-04
BLOCK 10, LOTS 13, 14 & 15

**RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF WEST LONG BRANCH**

**GRANTING EXTENSION OF TIME FOR “PERFECTION”
OF PREVIOUSLY GRANTED MINOR SUBDIVISION APPROVAL**

WHEREAS, SETUL PARIKH, hereinafter referred to as the "Applicant", previously obtained Minor Subdivision approval for the premises here at issue, which approval was memorialized in the resolution adopted by the Planning Board of the Borough of West Long Branch (hereinafter referred to as the "Board") on or about October 10, 2017;

WHEREAS, the application pertained to the premises formerly designated as Block 10, Lots 13, 14, and 15, on the Tax Map of the Borough of West Long Branch (and thereafter to be designated as Block 10, Lots 13.01 and 13.02, as a result of the referenced subdivision approval), and which premises are commonly known as 53 Victor Avenue, West Long Branch, New Jersey;

WHEREAS, the applicant initially requested and obtained from the Board, an extension of time to “perfect” the Minor Subdivision here at issue through and including July 1, 2019;

WHEREAS, the applicant caused the deed intended to perfect the Minor Subdivision to be recorded at the Monmouth County Clerk’s Office, but same was not recorded until September 17, 2019; after the above-referenced July 1, 2019 date by which the deed needed to be recorded;

WHEREAS, the applicant herein requests a further extension of time, *nunc pro tunc*, to “perfect” the Minor Subdivision (which extension of time is requested to run at least to and including the date the subdivision deed was actually recorded as referenced above);

WHEREAS, the Board finds as follows:

1. The applicant previously obtained Minor Subdivision approval for the premises at issue, which approval was memorialized by resolution adopted by the Board on or about October 10, 2017.

2. The Municipal Land Use Law requires “perfection” of the subdivision within 190 days of the date of the adoption of the resolution approving the subdivision.

3. The applicant initially failed to timely “perfect” the Minor Subdivision due to the applicant’s efforts to first comply with all applicable post-approval conditions.

4. The applicant previously requested and obtained from the Board an extension of time, *nunc pro tunc*, of the time frame applicable to the recording of the deed and “perfection” of the subdivision, which extension of time ran through and including July 1, 2019.

5. The applicant timely submitted to the Monmouth County Clerk’s Office for recording, the deed intended to perfect the Minor Subdivision at issue, but the deed was rejected by the Clerk due to certain clerical deficiencies. The applicant corrected the clerical deficiencies and resubmitted the deed for recording, but same was not recorded until September 17, 2019; after the July 1, 2019 extension date referenced above.

6. As a result of the above-referenced circumstances, the applicant requests a further extension of time to perfect the Minor Subdivision, *nunc pro tunc*, through and including the date the subdivision deed was actually recorded. The Board also notes that there was some delay in the applicant formally submitting to the Board this request for a

further extension of time to perfect the subdivision, due in some measure to the COVID-19 pandemic, and further due to the fact that the applicant, previously represented by counsel, is now proceeding *pro se* with regard to this matter.

7. The Board finds that the applicant has demonstrated good cause for the extension here at issue. The deed was timely submitted for recording in accordance with the prior extension of time, but the deed was rejected due to clerical deficiencies. The deficiencies were corrected, and the deed was re-submitted for recording not long thereafter, but the date of recording fell outside the end of the prior extension period.

8. The Board finds that there has been no material change in the circumstances surrounding the approval previously granted in this matter.

9. The Board further finds that the extension here at issue can be granted without causing substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, be it hereby resolved by the Board, that the Board hereby grants a further extension of time, *nunc pro tunc*, for the “perfection” of the Minor Subdivision here at issue, which extension of time runs through and including September 30, 2019.

ROLL CALL VOTE

THOSE IN FAVOR:

THOSE OPPOSED:

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of West Long Branch at its meeting on _____, 2021.

DATED:

, Secretary