

SPECIAL MEETING

The following are the minutes of the Land Use Review Board of the Borough of Ship Bottom, Ocean County, New Jersey, which was held in Borough Hall, 1621 Long Beach Blvd., Ship Bottom, New Jersey on April 4, 2019.

SPECIAL MEETING

Vice Chairman Tallon stated the following:

The Special Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 5:17 P.M. and the date is April 4, 2019. The notice of this meeting was given to the Asbury Park Press and the Beach Haven Times. The next Regular Meeting of the Land Use Review Board is scheduled for April 17, 2019.

The conduct of this meeting is being recorded so all testimony can be clearly heard. At the appropriate time, the meeting will open to the public for any questions and comments. Maximum time period allowed to present testimony, witnesses and other proofs are limited to one hour and may be extended only at the discretion of the board. The meeting will adjourn at 10:30 P.M. with no further testimony being taken unless otherwise ordered at the discretion of the Board. All electronic devices and mobile phones should be turned off at this time.

Will the secretary please call the roll.

Roll call of members: Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore and Vice Chairman Tallon, present. Councilman English, Mr. Yankowski and Chairman Cooper, absent.

Also in attendance were the Board Attorney, Stuart D. Snyder, Esq., and the Board Secretary, Sara Gresko.

MINUTES:

The minutes of the February 20, 2019 meeting were presented to the Board. On a motion by Ms. Schmidt, seconded by Mr. Basile, the minutes were approved as submitted.

Roll Call Vote: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Mr. Fenimore and Vice Chairman Tallon all aye. Councilman Butkus and Ms. Schmidt, abstain.

The minutes of the March 20, 2019 meeting were presented to the Board. On a motion by Mr. Hay, seconded by Mr. Basile, the minutes were approved as submitted.

Roll Call Vote: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore and Vice Chairman Tallon all aye.

RESOLUTIONS:

Mr. Snyder stated that Diane-Amberg Borsellino's resolution will be approved last.

- A. DOCKET NO. 19:01
STEPHEN & MEGAN SHUHET
106 E. 27TH STREET
BLOCK 20 LOT 11.01

A motion to approve this resolution as amended was made by Mr. Hay and seconded by Mr. Bishop. It is as follows:

**RESOLUTION OF MEMORIALIZATION OF THE
LAND USE REVIEW BOARD OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2019:01V**

WHEREAS, Stephen Shuhet and Megan Shuhet has made application to the

Land Use Review Board of the Borough of Ship Bottom for variances to permit the demolition of the existing one and one half story home; and for the construction of a new single family home at property located at 106 E. 27th Street, Lot 11.01 Block 20 in the Borough of Ship Bottom, County of Ocean and State of New Jersey; and

WHEREAS, the Land Use Review Board considered this application at a public hearing on January 16, 2019. The applicant was represented by James S. Raban, Esq. The application dated November 28, 2018 was entered into evidence as Exhibit A-1; the plan prepared by Morgan Engineering & Surveying titled “ Boundary and Topographic Survey Lot 11.01 Block 20 Borough of Ship Bottom, County of Ocean, New Jersey” dated November 14, 2018 under of signatures and seal of David J. Von Steenburg, Professional Land Surveyor, was entered into evidence as Exhibit A-2; the plan prepared by Morgan Engineering & Surveying titled “ Building Permit Plot Plan Lot 11.01 Block 20 Borough of Ship Bottom, County of Ocean, New Jersey” dated November 20, 2018 under of signatures and seal of Mathew R. Wilder, Professional Land Surveyor, was entered into evidence as Exhibit A-3; architectural plans prepared by Petersen Associates Architecture, Planning & Design .titled “New Residence for New Single Family House at 106 East 27th St. Borough of Ship Bottom, NJ” containing two (2) sheets, A-1 of 2 and A-3 of 2 dated January 2, 2019 under signature and seal of Margaret Petersen was entered into evidence as Exhibit A-4; The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated January 8, 2019 was entered into evidence as Exhibit B-1 and a photograph of the property provided from Google Maps, introduced by the Board Engineer, was entered into evidence as Exhibit B-2. Testimony was offered by Michael D. Kauker applicants’ professional planner from the firm of Kauker and Kauker, Wyckoff, New Jersey who qualified and testified as a Planning expert, and by Megan Shubert one of the applicants; and

WHEREAS, the Land Use Review Board after considering the Application, documentation entered into evidence, testimony of the witnesses and argument of counsel has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The applicants are the owners of the property, having acquired same from their parents in July 2018. Megan Shuhet’s parents acquired the property in 1983.
3. The property is located in the R-3 Single and Two Family Residential Zone. The property consists of a lot with dimensions of 40’ x 70’ feet improved with a two story single family home and detached shed. The adjoining properties on 27th Street are fully developed.
4. The property is nonconforming; the lot depth is 70.00 feet where 100.00 feet is required the lot area is 2,800 square feet where 4,000 square feet is required. The existing front yard setback is 3.5 feet applicant proposes a front yard setback of 10.8 feet where 15 feet is required.
5. The building height is proposed at 35 feet where 32 feet is permitted.
6. The Board adopts the contents of the review letter of Frank J. Little, Jr., entered into evidence as Exhibit B-1. After considering the plans and testimony, the Board finds, that notwithstanding the reference as a two and one story home, the proposed home will have three (3) stories which is not permitted.
7. Applicants are also requesting a waiver from the requirement to install a sidewalk; and also relief to provide a 16.7 foot curb cut at the property. The Board recognizes that currently parking is prohibited on the Southerly side of East 27th Street where the property is located.
8. The house as proposed will consist of three (3) stories and provide five (5) bedrooms and 3.5 bathrooms; there will be a kitchen, living room and family room and one car garage. Applicant will conform to building coverage requirements and side yard setback requirements.
9. The house being replaced is a three (3) bedroom cottage.
10. The Board members expressed concern with the building height and development of three (3) stories for a newly constructed home; and

WHEREAS, applicants requested the matter be carried to enable them an opportunity to revisit their development plans; they waived all time constraints and indicated that if they change their plans, new or amended plans would be filed not later than ten (10) days prior to the next Board meeting; and

WHEREAS, the Land Use Review Board voted, and agreed to carry the application until the February 20, 2019 meeting of the Board, applicant waived all time constraints and notice was given at the meeting of the continuation of this matter to

February 20, 2019; and

WHEREAS, the Land Use Board again considered this application at a public hearing conducted on February 20, 2019. The applicant was represented by James S. Raban, Esq. The plan prepared by Morgan Engineering & Surveying titled “ Building Permit Plot Plan Lot 11.01 Block 20 Borough of Ship Bottom, County of Ocean, New Jersey” dated November 20, 2018 with a revision date of February 12, 2019 under of signature and seal of Mathew R. Wilder, Professional Land Surveyor, was entered into evidence as Exhibit A-5; architectural plans prepared by Musgnug & Associates Architects titled “Shuhet Residence Block 11.01, Lot 20; 106 E. 27th Street” TS-1 Title Sheet and Site Plan; and A-1 Plans and Elevations, dated February 11, 2019 under signature and seal of Robert Musgnug, Licensed Architect, was entered into evidence as Exhibit A-6. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated February 14, 2019, Second Review, was entered into evidence as Exhibit B-2. Testimony was provided by Matthew Wilder, applicants professional engineer and professional planner and Robert Musgnug, applicants architect; There was not any public comment offered.

WHEREAS, the Land Use Review Board after considering the Application, documentation entered into evidence, testimony of the witnesses and argument of counsel has made the following factual findings:

1. Applicants provided modified building plans providing for a raised two (2) story house.
2. The proposed front yard setback is ten (10) feet where fifteen (15) feet is required.
3. The proposed building coverage is 41.3%; representing 35.5% coverage for the house and 6.25% coverage for the detached shed. The revised Building Permit Plot Plan provides for a front yard setback of 10.00 feet; conforming side yard setbacks of 5 and 10 feet for a total of 15 feet’ and a rear yard from the house of 20 feet. The shed maintains a nonconforming side yard setback of 2.6 feet and nonconforming rear yard setback of 1.5 feet.
4. Applicants are requesting a waiver from installing a sidewalk and variance relief to permit a 16.7 foot driveway opening, where 12 feet is permitted.
5. The existing house was constructed in or about 1940; the proposed new house will be safer and constructed in compliance with all current building codes.
6. The nonconforming side yard setback is being eliminated.
7. The Board is concerned with the adequacy of parking at the site; applicant is providing a one car garage; and parking in the side yard setback. The board finds that if applicant sets the house back five (5) feet the front yard setback will be conforming and there will be additional parking provided on the property.
8. Applicant has agreed to revise their plans to accommodate a fifteen (15) foot front yard setback together with an offset to provide 18 feet to the garage door. The setback to the first step shall be 14 feet.
9. The outside shower shall be constructed under the house toward the rear; and the air conditioning platform shall be permitted at the rear of the house at the westerly rear corner.
10. Applicant has further modified their plan to eliminate the detached shed; the elimination of the shed will reduce the proposed building coverage to 35.5%; and further eliminate the nonconforming setbacks to the accessory building.
11. Applicant may enclose all or an additional portion of the grade level; subject to their conforming to FEMA regulations.
12. Applicant has agreed to provide parking on the west side of the house, and will not permit any encroachments or impediments to interfere with that parking area:
and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants Stephen Shuhet and Megan Shuhet to permit the demolition of the existing one and one half story home; and for the construction of a new single family home at property located at 106 E. 27th Street, Lot 11.01 Block 20 in the Borough of Ship Bottom, County of Ocean and State of New Jersey can be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Ship Bottom, as the property area and depth are preexisting nonconformities; the house proposed is suitable for the site; and the use is permitted. Applicant is providing conforming front and side yard setbacks, and will provide improved parking on the property; the nonconforming detached shed is being removed. The house will comply with FEMA requirements and provide an aesthetic improvement to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the

Borough of Ship Bottom that the application of Stephen Shuhet and Megan Shuhet to permit the demolition of the existing one and one half story home; and for the construction of a new single family home at property located at 106 E. 27th Street, Lot 11.01 Block 20 in the Borough of Ship Bottom, County of Ocean and State of New Jersey in accordance with the plans provided at Exhibits A-5 and A-6, with Exhibit A-5 to be further modified to provide for a conforming 15 foot front yard setback; allowing the first set to be set at 14 feet, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated February 14, 2019 as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant providing revised plans, shifting the house five ((5) feet toward the rear of the property; creating a 15 foot front yard setback; and a 15 foot rear yard setback; the plans will further provide for an 18 foot offset to the garage door; and shall provide for the installation of sidewalks; and elimination of the existing detached shed. Parking shall also be shown on the westerly side of the proposed house.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules regulations and statutes and ordinances effecting this development. Variance relief is granted for existing conditions lot area of 2,800 square feet and lot depth of 70 feet. Applicants are also granted variance relief to maintain a rear yard setback of 15 feet; building overage of 35.5 %; inclusive of the air conditioning platform which may be installed at the rear of the house near the westerly corner; and to provide a curb cut of 16.7 feet, as requested.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's replacement and of curbs and sidewalks found to be deteriorated or below current standards or installation of curbs and sidewalks along the front of the property; and all curb cuts and aprons being installed in accordance with the plans to be provided; and Borough Ordinances, except as waived herein to provide a 16.7 foot curb cut; and as directed by the Borough Engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon the approval of the Ship Bottom Water and Sewer Department; in the event the existing systems are determined to require repair or replacement; applicant shall comply with the Directives of that Department.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicants' compliance with Borough Ordinances pertaining to the curb cut at the front of the property and applicant replacing any curbs below current design standards; and installing curbs and sidewalks as reflected on the plans, in accordance with Borough Codes and as directed and approved by the Borough Engineer;

BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Ship Bottom, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Review Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations made by applicant and their witnesses and as placed on the record at the public hearing conducted on February 20, 2019 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant complying with all technical revisions and any other requirements as set by the Borough Engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' compliance with the Ordinances of the Borough of Ship Bottom, as applicable, with respect to bonding, guarantees, inspection costs and payment of such fees as may be related thereto, including escrow fees as to this application and as may be required by the Board Engineer/Planner and/or Construction Official and/or Secretary to the Board and/or Clerk of the Borough. Any guarantees shall be subject to the written review and approval of the Board Engineer/Planner, the Borough Attorney's office and the Mayor and Council.

BE IT FURTHER RESOLVED that in the event the conditions set forth herein are not met by May 1, 2020, this Application may be listed by the Board Secretary on the Land Use Review Board Agenda for the meeting of the following month for dismissal, without prejudice, unless the Applicant offers appropriate reasons for the delay, all of which may be considered in the discretion of the Board. Further, it shall be understood that this administrative time limit is not a representation or guarantee by the Board, as existing State law applies and the Board advises that it continues to be Applicants' obligation to comply with all applicable laws.

Roll Call: Butkus, Bishop, Hay, Fenimore and Tallon all aye. English, Basile, Dixon, Cooper, absent.

B. DOCKET NO. 19:03
 CHARLES & LOIS JENSEN
 1106 BARNEGAT AVENUE
 BLOCK 89 LOT 20.01

A motion to approve this resolution as written was made by Councilman Butkus and seconded by Mr. Basile. It is as follows:

**RESOLUTION OF MEMORIALIZATION OF THE
 LAND USE REVIEW BOARD OF THE BOROUGH OF SHIP BOTTOM
 COUNTY OF OCEAN AND STATE OF NEW JERSEY
 DOCKET NO. 2019:03**

WHEREAS, Charles Jensen and Lois Jensen have made application to the Land Use Review Board of the Borough of Ship Bottom for variance approval to permit the construction of an additional set of front stairs to the landing, at a nonconforming setback of 10.7 feet, at their newly raised single family house at property located at 1106 Barnegat Avenue, Lot 20.01 Block 89 in the Borough of Ship Bottom, County of Ocean and State of New Jersey; and

WHEREAS, the Land Use Review Board considered this application at a public hearing on February 20, 2019. The applicants were represented by Katharine M. Shackleton, Esq. The application dated January 8, 2019 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. titled "Variance Map Lot 20.01 Block 89 Tax Map Sheet # 15 Borough of Ship Bottom, Ocean County, New Jersey" dated July 18, 2017 with a final revision date of October 3, 2018; under signatures and seals of James D. Brzozowski, PE PP and Robert De Blois, PLS, was entered into evidence as Exhibit A-2; a photograph of the front of the house prior to being raised was entered into evidence as Exhibit A-3 and a current photograph of the house was entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated February 14, 2019 was entered into evidence as Exhibit B-1. Testimony was offered by Charles Jensen, the applicant. There was not any public comment offered; and

WHEREAS, the Land Use Review Board after considering the Application, documentation entered into evidence, testimony of the witnesses and argument of counsel has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The applicants are the owners of the property.
3. The property is located in the R-1 Residential Zone. The property consists of a lot with dimensions of 60' x 80' feet improved with a two story single family home.
4. The house was damaged by Storm Sandy in October 2012.
5. Applicants raised their house to meet FEMA requirements. The house was raised in place. The nonconforming front yard setback of 10.7 feet was maintained. Applicant was permitted to construct a single stairway and landing to the house; they are requesting variance relief to permit the construction of a mirror stairway to the landing. The additional area proposed is 9 square feet.
6. As a result of the nonconforming front yard setback, and in an effort not to further reduce the front yard setback, applicant has constructed the stairs parallel to the house; the landing is constructed in front of the main entrance and toward the garage to the right; the proposed additional stairs will match those constructed, and will be situate toward the garage to the

left. The proposed stairs will create an aesthetic improvement and provide symmetry to the front of the house. The stairs will be constructed within the nonconforming front yard setback; and there is not any reduction to that setback proposed.

7. The proposed staircase consists of three risers, and will not have any negative impact to the light air or enjoyment of the neighboring property.
8. The proposal by applicant does not impact the existing front yard setback.
9. The additional stairs will create a more convenient and preferable means of access and egress to and from the house.; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants Charles Jensen and Lois Jensen for variance approval to permit the construction of an additional set of front stairs to the landing, at a nonconforming setback of 10.7 feet, at their newly raised single family house at property located at 1106 Barnegat Avenue, Lot 20.01 Block 89 in the Borough of Ship Bottom, County of Ocean and State of New Jersey can be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Ship Bottom, as the location of the new stairs will not have any negative impact upon the adjoining property; the second set of stairs will provide a safer and preferable means of access and egress; the stairs will provide an aesthetic improvement; and the nonconforming front yard setback will not be reduced. The additional 9 square feet of stairs will have a minimal if any impact upon the zone plan or zoning ordinances. Applicant has provided adequate proofs to meet their burden for a variance under NJSA 40:55D-70c.2.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of applicants Charles Jensen and Lois Jensen for variance approval to permit the construction of an additional set of front stairs to the landing, at a nonconforming setback of 10.7 feet, at their newly raised single family house at property located at 1106 Barnegat Avenue, Lot 20.01 Block 89 in the Borough of Ship Bottom, County of Ocean and State of New Jersey, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated February 14, 2019, as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all permits required for the project.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Ship Bottom, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Review Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations made by applicants and their witnesses and as placed on the record at the public hearing conducted on February 20, 2019 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant complying with all technical revisions and any other requirements as set by the Borough Engineer.

BE IT FURTHER RESOLVED that applicant is granted variance relief to construct a second set of stairs within the nonconforming front yard setback of 10.7 feet.

BE IT FURTHER RESOLVED that in the event the conditions set forth herein are not met by May 1, 2020, this Application may be listed by the Board Secretary on the Land Use Review Board Agenda for the meeting of the following month for dismissal, without prejudice, unless the Applicant offers appropriate reasons for the delay, all of which may be considered in the discretion of the Board. Further, it shall be understood that this administrative time limit is not a representation or guarantee by the Board, as existing State law applies and the Board advises that it continues to be Applicants' obligation to comply with all applicable laws.

Roll Call: Butkus, Bishop, Hay, Fenimore and Tallon all aye. English, Basile, Dixon,

Schmidt, Cooper, absent.

- C. DOCKET NO. 19:04
ROBERT & JACQUELINE STACK
342 W. 6TH STREET
BLOCK 113 LOT 4.04

A motion to approve this resolution was made by Mr. Hay and seconded by Mr. Bishop. It is as follows:

**RESOLUTION OF MEMORIALIZATION OF THE
LAND USE REVIEW BOARD OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2019:04**

WHEREAS, Robert Stack and Jacqueline Stack have made application to the Land Use Review Board of the Borough of Ship Bottom for variance approval to permit building coverage of 36.55% at their newly constructed single family house at property located at 342 West 6th Street, Lot 4.04 Block 113 in the Borough of Ship Bottom, County of Ocean and State of New Jersey; and

WHEREAS, the Land Use Review Board considered this application at a public hearing on February 20, 2019. The applicants were represented by Richard P. Visotcky, Esq. The application dated January 17, 2019 was entered into evidence as Exhibit A-1; the plan prepared by Nelke/Tyszka Land Surveyors, Inc. entitled “Variance Plan, T. M. Lot 4.04 Block 113 Tax Map Sheet #12 Borough of Ship Bottom, Ocean County, New Jersey” dated November 20, 2018, under signature and seal of Leon J. Tyszka, P.L.S. was entered into evidence as Exhibit A-2; plan prepared by Robert Stack, Architect, titled Stack – New Residence, 342 West 6th Street, Block 113 Lot 4.04, Ship Bottom, New Jersey, containing five (5) Sheets A-1 – A-5, was entered into evidence as Exhibit A-3; two photographs of the house which were entered into evidence as Exhibit A-4; and two photographs of the house entered into evidence as Exhibit A-5; one enlarged colored drawing of the “as built” plan of the rear of the house was entered into evidence as Exhibit A-6. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated February 14, 2019 was entered into evidence as Exhibit B-1. Testimony was offered by Robert Stack, the applicant. Public comment was offered by the adjoining property owner Brew Pasquale; and

WHEREAS, the Land Use Review Board after considering the Application, documentation entered into evidence, testimony of the witnesses and argument of counsel has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The applicants are the owners of the property.
3. The property is located in the R-1 Residential Zone. The property consists of a lot with dimensions of 60’ x 100’ feet improved with a newly constructed two story single family home.
4. Applicant constructed the house with approved architectural plans; which provided for the house to comply with all bulk zoning requirements.
5. The filed plans provided for stairs and a landing at the rear of the house to be constructed within an area located between the two 2.5 foot bump outs. During construction applicant decided that to accommodate a natural gas line and grill; the area between the bump outs could be connected creating and additional open deck area; this work was performed; increasing the building coverage with an additional deck area of 8 x 12 feet.
6. The house was completed, and upon receipt of the final “as built” plans applicant was made aware that the actual building coverage was 36.55% exceeding the permitted 35% building coverage.
7. Applicants are now before the Board for variance relief to permit them to retain the open decking, installed subsequent to the approval of their architectural and building plans.
8. Applicants proffer that they did not intend to exceed the permitted building coverage. It was not until the “as built” was obtained that they realized the error.
9. Applicant agrees that the deck shall remain open, and not be covered or enclosed.
10. The location of the decking does not have any deleterious impact upon adjoining properties.

11. The house was constructed to exceed the front yard setback requirement; and the rear yard and side yard setback requirements.

12. The adjoining property owner testified that the decking in the rear does not have any impact upon his or any other neighbor's property; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants Robert Stack and Jacqueline Stack for variance approval to permit building coverage of 36.55% at their newly constructed single family house at property located at 342 West 6th Street, Lot 4.04 Block 113 in the Borough of Ship Bottom, County of Ocean and State of New Jersey can be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Ship Bottom, as the increase in building coverage is generated by an open deck with dimensions of 8 x 12 feet; located between two bump out areas at the rear of the newly constructed home; applicants did not intend to violate the building coverage requirement; the additional decking is open, and does not impact any adjoining properties; and the additional 96 square feet, where located is not readily visible to members of the public. The additional decking, will have a minimal, if any impact upon the zone plan or zoning ordinances. Applicant has provided adequate proofs to meet their burden for a variance under NJSA 40:55D-70c.2.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of applicants Robert Stack and Jacqueline Stack for variance approval to permit building coverage of 36.55% at their newly constructed single family house at property located at 342 West 6th Street, Lot 4.04 Block 113 in the Borough of Ship Bottom, County of Ocean and State of New Jersey, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated February 14, 2019, as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all permits required for the project.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Ship Bottom, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Review Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations made by applicants and their witnesses and as placed on the record at the public hearing conducted on February 20, 2019 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant complying with all technical revisions and any other requirements as set by the Borough Engineer.

BE IT FURTHER RESOLVED that applicant is granted variance relief only to permit building coverage of 36.55%.

BE IT FURTHER RESOLVED that in the event the conditions set forth herein are not met by May 1, 2020, this Application may be listed by the Board Secretary on the Land Use Review Board Agenda for the meeting of the following month for dismissal, without prejudice, unless the Applicant offers appropriate reasons for the delay, all of which may be considered in the discretion of the Board. Further, it shall be understood that this administrative time limit is not a representation or guarantee by the Board, as existing State law applies and the Board advises that it continues to be Applicants' obligation to comply with all applicable laws.

Roll Call: Butkus, Bishop, Hay, Fenimore and Tallon all aye. English, Dixon, Schmidt, Cooper, absent.

Mr. Snyder stated that Timothy Duffy's resolution will be approved at the April 17, 2019 Regular Meeting, as per request of Arnold Lakind, Esq.

Councilman Butkus, Mr. Dixon and Ms. Schmidt excused themselves from the meeting at 5:34 P.M. due to the nature of the resolution.

D. DOCKET NO. 17:10
DIANE-AMBERG BORSELLINO
13 E. 19TH STREET
BLOCK 46 LOT 2

A motion to approve this resolution as amended was made by Mr. Hay and seconded by Mr. Basile. It is as follows:

**RESOLUTION OF MEMORIALIZATION OF THE
LAND USE REVIEW BOARD OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2017:10**

WHEREAS, Diane Amberg Borsellino has appealed the denial of the construction code official to permit her raising the building located southeasterly of the oceanfront building line, as set forth in her April 12, 2017 letter; and has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to the raise the existing two family home; construct a stairway; construct a two story addition; an additional second story addition; enclose certain decking and construct rooftop decking at property known and designated as Lot 2 Block 46; 136 East 19th Street in the Borough of Ship Bottom, County of Ocean and State of New Jersey; and

WHEREAS, the Land Use Review Board denied jurisdiction to consider the application on August 16, 2017. The opinion of the Board was memorialized under Resolution of Memorialization Number 2017 –10; adopted by the Board on September 20, 2017 Applicant thereafter filed a complaint in lieu of prerogative writ action title Diane Amberg- Borsellino v. Borough of Ship Bottom Land Use Review Board and Borough of Ship Bottom Docket: OCN-L-002937-17. It was determined by the Court that this Board has jurisdiction to consider the application for development and

WHEREAS, in accordance with the Order of the Court the Land Use Review Board considered this matter at the November 19, 2018 public hearing. The applicant was represented by Katharine M. Shackleton, Esq.; the application dated June 21, 2017 together with attachment, Ship Bottom Land Use Board Resolution Docket 2009:04V adopted by the Board on March 18, 2009 and the April 12, 2017 letter from Susan Kilcheski, the Ship Bottom Borough Flood Plain Administrator; and also the Borough Construction Code Official, was entered into evidence as Exhibit A-1; the plan prepared by Nelke/Tyszka Land Surveyors, Inc. entitled “Variance Plan, T. M. Lot 2 Block 46 Tax Map Sheet #9; Borough of Ship Bottom, Ocean County, New Jersey” dated June 26, 2016 with a final revision date of June 6, 2017 under signature and seal of Leon J. Tyszka, P.L.S. was entered into evidence as Exhibit A-2; a set of architectural drawings entitled “Amberg Residence 136 E. 19th Street, Ship Bottom, Lot 2 Block 46, Ocean County, New Jersey”, dated January 31, 2017, consisting of Sheet A1, Ground Floor Plan; First Floor Plan; Second Floor Plan and Roof Plan; and Sheet A2 East Elevation, West Elevation, South Elevation and North Elevation, prepared by Michael Pagnotta, Architect, PC, under signature and seal of Michael Pagnotta was entered into evidence as Exhibit A-3. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr. P.E., P.P., and C.M.E., dated July 13, 2017 was entered into evidence as Exhibit B-1. Testimony was offered by James D. Brzozowski, PE, PP, applicants engineer and professional planner; Michael Pagnotta, applicant’s architect; Stewart Farrell who qualified as an expert Geologist, his report titled BEACH & DUNE SHORELINE GEOMORPHOLOGY At BLOCK 46 LOT 2 on 19th & BLOCK 46, LOT 1 ON 20th STREETS, SHIP BOTTOM, OCEAN COUNTY, NEW JERSEY; and Diane Amberg Borsellino, the applicant. Public comment was offered by Ted Maglione, a professional planner and professional application who resided on 20th Street; Michael Miskiv who resides on 20th Street; Andrew Wilk who resides at 134 E. 20th Street; Dan Erni and Jean Solga, the owners of The adjacent home at 128 E 19th Street, who provided Exhibits O-1 a wind speed map; O-2 drawing of Proposed Expansion South Elevation of 136 E 19th Street simplified; and O-3 drawing of Proposed Expansion, South Elevation ; and Egon Willi Kohl who resides at 117 E. 20th Street; and James D. Brzozowski offered redirect testimony wherein he introduced four (4) photographs of the property, which were entered into evidence as Exhibits A-4, A-5, A-6, and A-7; the Board notes

that there are two (2) exhibits marked as A-4 the report from Dr. Farrell and the Photograph from James D. Brzozowski and

WHEREAS, the Land Use Review Board after considering the Application, documentation entered into evidence, testimony of the witness', argument of counsel and public comment has made the following factual findings:

11. All jurisdictional requirements have been met.
12. The property is owned by the applicant, having been acquired in June 2016.
13. The property consists of a lot with dimensions of 90' x 100 feet located on the oceanfront at East 19th Street. The property is developed with a one story, elevated two family one story building. The property is located in the R-3 Residential One and Two Family Zone.
14. The property is traversed by the Oceanfront Building Line, whereupon a limited area along the westerly portion of the property is not encumbered by the building line; the bulk of the existing structure is located eastward of the Oceanfront Building line.
15. The Board adopts the contents of the July 13, 2017 letter from Owen, Little and Associates, entered into evidence as Exhibit B-1 as if set forth herein at length.
16. The subject property is subject to the provision of Chapter 16.72 of the Borough Ordinances, Beach Protection.
17. The existing building maintains an elevation of 16.73 feet, at least three feet above the Preliminary Flood Zone and Elevation of VE 13 feet and the effective flood zone and elevation requirement for the VE 11.0 feet. Applicant proposes to raise the property to an elevation of 24.49 feet and provide parking below. In conjunction with the raising of the property applicant proposes to construct stairs and a landing eastward of the Oceanfront Building Line.
18. The April 12, 2017 letter from Susan Kilcheski, the Borough Construction Code Official; and Floodplain administrator, noted that the building elevation is 16.3 feet where the base flood elevation per the working FEMA flood maps is elevation 13; she further noted that construction is prohibited southeastwardly of the ocean front building line; and that the building conforms the flood ordinance and cannot be raised southeasterly of the oceanfront building line. Applicant is appealing from these findings. The Board finds that the elevation of the building exceeds that required for the flood zone and under current ordinances; and that the construction requested by applicant is not authorized under current ordinances.
19. The Board is not aware of any requirement or authority to permit the raising of the existing house or to permit the additional construction proposed eastward of the Building line. Applicant is seeking variance relief.
20. The development of the property as proposed by applicant is prohibited under Chapter 16.72 Section 16.72-010 C. Construction.
 1. Construction Prohibited. Construction of any type, southeastwardly of the oceanfront building line, except protective works approved and/or undertaken by the borough, county, state or federal governments is prohibited.
 2. Construction Permitted. Construction is permitted in the remainder of the beach dune area subject to the provisions of this chapter and subject to the following restrictions and regulations:
 - a. No dwellings or any part of such dwellings shall be constructed eastwardly of the oceanfront building line. Every application for a building permit for construction within one hundred (100) feet of the oceanfront building line shall be accompanied by a plot plan prepared by a licensed engineer or surveyor showing the oceanfront building line, bulkhead line, placement and elevation of the proposed structure and all existing grades. ...
21. The Board initially denied jurisdiction over this application, due to the location of the property and prohibitions set forth in Chapter 16.72 Section 16.72-010 C. of the Ordinances of the Borough of Ship Bottom. As afore

- stated it was determined by the Superior Court, that this Board is the appropriate body to consider applicants requested development
22. The Board finds that the property currently maintains elevation of 16.73 Feet, as reflected in the plan of Nelke/Tyszka entered into evidence as Exhibit A-2, which exceeds the VE 13.00 requirement of 13.00 feet; and the Statutory authority under N.J.S.A. 58:16A-103, to raise the building an additional three (3) feet; which in this instance, without local approval under N.J.S.A. would be 16.00 feet.
 23. The Board further finds that notwithstanding the prohibition of certain construction within the EC Zone and eastwardly of the Oceanfront Building Line, existing structures are permitted to be maintained within those areas. Applicant is requesting permission to raise the existing structure, to a finished first floor elevation of 24.49 feet, constructing a second floor deck at the house, and construct a two story addition westerly of the oceanfront building line with a roof deck, at a building height of 35 feet.
 24. Applicant advances the argument that the project is authorized by CAFRA under the permit by rule requirements; she has a report from her environmental consultant confirming this representation.
 25. Applicants' plans, although increasing the living area; will result in the elimination of an apartment, and conversion of the property from a two family duplex to a single family home.
 26. The addition to the west will be offset to maintain a five (5') foot setback.
 27. The existing rear yard setback which is the yard toward the south of the property is 11.6 feet to existing decking; where 20 feet is required; that setback will be maintained with the new proposed second floor decking; however the second floor addition will conform to the 20 foot setback requirement. The setback to the proposed air conditioning platform is 8.5 feet.
 28. Applicant proffers that the only additional development outside of the existing encroaching footprint will be the stairs and landing, as reflected on the plans.
 29. The existing building is in poor shape and requires refurbishment; the foundation requires repair and replacement in some areas; that work is permitted. The existing building may be repaired, restored and refurbished to create a more habitable environment; without being enlarged increase or providing construction eastward of the building line.
 30. Applicants expert Dr. Farrell has offered testimony that the dune areas have been restored and improved as a result of the beach replenishment program; and that the beach is substantially larger than when the Oceanfront Building Line was established and there have been numerous changes to the coastal environment since the current building line was established.
 31. The Board finds that notwithstanding the testimony of Dr. Farrell, the building line remains in place; and it is not for the Board to determine whether or not to redefine the line; according to Dr. Farrell, any change in the Building Line would be generated by the municipality. The Ordinances effecting the Beach Dune areas and construction thereon would be subject to change by the Governing Body.
 32. The Board further finds that the oceanfront area is fluid, and subject to natural change.
 33. Members of the public have expressed concern with the accessibility to the property by emergency vehicles; the impact upon their light, air and open space if the development is approved.
 34. The adjoining owner Mr. Erni expressed concern with the safety of his property in the event of dune washout; and furthermore with the stability of the narrow addition constructed to a height of 35 feet; in the event of strong winds.
 35. The property was developed many years ago; applicant acquired same with knowledge of the regulatory limitations as a result of the location of the ocean front building line; and is charged with knowledge of the ordinances prohibiting the development as proposed by her.
 36. There was testimony that applicant's predecessors disregarded the dunes and contributed to their destruction.

37. There are questions regarding the actual elevation of the property and what is authorized by the Building department, applicant testifies that she was informed prior to acquiring the house that she would be able to raise and improve the property; and

WHEREAS, applicant requested the matter be carried until the December 19, 2018 meeting of the Board to enable her an opportunity to revisit their development plans; address some of the concerns of the Board regarding the elevation, and consider the public comment; she waived all time constraints; and

WHEREAS, the Land Use Review Board voted, and agreed to carry the application until the December 19, 2018 meeting of the Board, applicant waived all time constraints and notice was given at the meeting of the continuation of this matter to December 19, 2018 meeting of the Board; and

WHEREAS, the Board received a request from Counsel to further adjourn the public hearing in this matter until the January 16, 2019 meeting of the Board, applicant waived all time constraints; the Land Use Board voted to continue the application until the January 16, 2019 meeting of the Board; and

WHEREAS, the Land Use Board again considered this application at a public hearing conducted on January 16, 2019. The applicant was represented by Katharine M. Shackleton, Esq. The report from Coastal Environmental Consulting, LLC dated October 20, 2016 under signature of Karen Gruppuso, President, Environmental Project Manager was entered into evidence as Exhibit A-8 (A-5 at the hearing); the elevation certificate of the property dated July 16, 2015 prepared by John M. Lis, PLS Land Line Surveyors, was entered into evidence as Exhibit A-9 (A-6 at the meeting); the report from Hoisington Engineers, LLC, Structural/Forensic dated May 8, 2017 titled Report on the Integrity of the Structure for the House at 136 E 19th Street, Ship Bottom, NJ together with the Home Elevation Contractor Certification, from DeVooght House Lifters dated May 10, 2017 was entered into evidence as Exhibit A-10 (A-7 at meeting); a copy of a portion, Pages 37 and 38, of the February 18, 1964 minutes of the Ship Bottom Council meeting was entered into evidence as Exhibit A-11 (A-8 at the meeting) and a copy of a portion, Pages 52 and 53, of the March 17, 1964 minutes of the Ship Bottom Council meeting, was entered into evidence as Exhibit A-12 (A-9 at the meeting); a portion of a FEMA guide, 5.0 Elevating Your Home, was entered into evidence as Exhibit A-13 (A-10 at the meeting). Testimony was offered by James D. Brzozowski, PE, PP applicants engineer and professional planner; Michael Pagnotta, applicants architect. Public comment was offered by Egon Willy Kahl, Michael Miskiv Dan Erni, David Hodulik; and

WHEREAS, the Land Use Review Board after considering the additional documentation entered into evidence, testimony of the witness', argument of counsel and public comment has made the following factual findings:

38. The existing habitable area is 900 square feet, consisting of two (2) apartments; applicant intends to eliminate one apartment; and utilize the property as a single family home with 1,680 square feet; the building eastward of the building line will be raised, the interior will be renovated, and there is a roof deck proposed; additional living space is proposed westerly of the oceanfront building line, with a two story addition.
39. According to applicants witnesses 60 to 70 per cent of the property is eastward of the building line.
40. The Board finds that it is a preferable practice to raise homes and structures in the Borough to exceed the FEMA requirements. Applicant's home is elevated to three (3) feet higher than the 13 foot BFE as mandated by the VE Zone where the property is located.
41. Applicant, after a recess, discussed revisions to the plans; including the reconfiguration of the proposed addition; removing and relocating approximately six (6) feet from the northerly side fronting on 19th Street to the southerly side of the property; whereupon the setback of 11.6 feet would be reduced to 5.32 feet.
42. Members of the public objected to the plan; with David Hodulik testifying that the reconfiguration will impact his light, air and view.
43. Dan Erni testified that a 35 x 59 foot wall will be constructed adjacent to his property, impacting his light, air and view.
44. Michael Miskiv further commented that there is not any rationale to permit a deviation from the dune protection ordinance; and

WHEREAS, the matter was again carried, with waivers of time constraints, until the February 20, 2019 meeting of the Board to allow applicant an opportunity to present revised plans; and

WHEREAS, the Land Use Review Board again considered this application at a public hearing conducted on February 20, 2019. The applicant was represented by Katharine M. Shackleton, Esq. The plan prepared by Nelke/Tyszka Land Surveyors, Inc. entitled "Variance Plan, T. M. Lot 2 Block 46 Tax Map Sheet #9; Borough of Ship Bottom, Ocean County, New Jersey" dated June 26, 2016 with a final revision date of February 15, 2019 under signature and seal of Leon J. Tyszka, P.L.S. was entered into evidence as Exhibit A-13 (A-10 at the meeting); a set of architectural drawings entitled "Amberg Residence 136 E. 19th Street, Ship Bottom, Lot 6 Block 4, Ocean County, New Jersey", dated January 31, 2017 with a final revision date of February 6, 2019, consisting of Sheet A1, Ground Floor Plan; First Floor Plan; Second Floor Plan and Roof Plan; and Sheet A2 East Elevation, West Elevation, South Elevation and North Elevation, prepared by Michael Pagnotta, Architect, PC, under signature and seal of Michael Pagnotta was entered into evidence as Exhibit A-14 (A-11 at the meeting). Testimony was offered by James D. Brzozowski, applicants engineer and professional planner; and by Michael Pagnotta, applicants architect; public comment was offered by Leon Tyszka, PLS, Egon Willy Kohl, Michael Miskiv; Richard Brokow, and Ted Maglione; and

WHEREAS, the Land Use Review Board after considering the additional documentation entered into evidence, testimony of the witness', argument of counsel and public comment has made the following factual findings:

45. Applicant modified her plans to reconfigure the addition; a 6.3 foot portion of the proposed two story addition will be relocated from the front yard facing 19th Street to the southerly setback; whereupon the set aback from 19th Street is increased from 29.21 feet to 35.51 feet; and the southerly set back is reduced from 11.6 feet to 5.3 feet. The distance to the house to the south is proposed at 54 feet.
46. The proposed roof deck on the existing house, located eastward of the ocean front building line has been omitted; applicant proposes to install a new hip roof to that building; as delineated on the revised architectural plans.
47. Applicant continues with her proposal to raise the existing house 8 feet; using helical pilings; and constructing stairs and a landing eastward of the building line as reflected on the plans entered into evidence.
48. Applicant proffers that the dune has been relocated; and the area where the house is located does not impair the dune.
49. The addition to the west of the building line will have an enclosed grade level; the area at grade below the existing house and decks will not be enclosed and remain open.
50. The air conditioning platform on the plan will be removed and replaced where there will not be any encroachment.
51. Members of the public proffer that they relied upon the Beach Protection Ordinances when they purchased their properties; westerly of the subject property; and object to any deviations from the mandates therein; they express concern of loss of light, air and view.
52. Leon Tyszka testified that the building line was established after the 1962 storm and that houses located in front of that line should not be subject to restrictions; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the action of the construction code official/flood plain administrator, Susan Kilcheski, denying applicant a permit to raise the building located southeasterly of the oceanfront building line, as set forth in her April 12, 2017 letter should be affirmed as the facts in the letter of denial were accurate; and the Construction Code Official and Flood Plain Administrator did not have jurisdiction to allow for the proposed construction, under Ordinance Chapter 16.72.010 or under NJSA 58:16A-103; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant Diane Amberg Borsellino for variances to the raise the existing two family home; construct a stairway and landing; construct a two story addition; enclosing a portion of decking and installing a rooftop deck there over; at property known and

designated as Lot 2 Block 46; 136 East 19th Street in the Borough of Ship Bottom, County of Ocean and State of New Jersey cannot be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Ship Bottom, notwithstanding applicants' argument regarding the current dune structure; the dune and beach front areas are subject to change; the ocean front building line creates the boundary for the Environment Critical Zone; if there are adequate reasons to modify that zone boundary, the Borough Council and Borough Engineer and their consultants should make that determination; applicant is requesting permission to perform construction in this protected area. The maintenance and repair, if necessary, of her house is permitted; new construction, as proposed is not permitted; and there has not been an adequate showing to justify the granting of the relief requested. The damaged areas may be repaired; within the existing confines of the building; the elevation exceeds that required for the VE Zone where the house exists; 13.00 BFE is mandated; and 16.3 BFE exists; applicant was aware of the regulatory constrictions and zoning ordinances when the property was acquired. Applicant is not being deprived of the use of her property for its intended purpose, residential. The development of the property as proposed will create a negative impact upon the zone plan and zoning ordinances of the Borough of Ship Bottom. Applicant's property is constrained as a result of the ocean front building line; however under the circumstances herein an undue hardship or particular and exceptional difficulties are created that justify relief from this Board. The proposal by applicant is not created upon the owner; the house may be maintained; repaired, remain habitable; and represents that which was acquired. The light, air, and open space of neighboring properties will be impacted by the development; and the area eastwardly of the building line; which under current regulations will be unnecessarily impacted as a result of the project proposed by applicant.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the action of the Construction Code Official and Flood Plain Administrator Susan Kilcheski, denying applicant, Diane Amberg Borsellino a permit to raise the building, located at 136 E 19th Street, Lot 2 Block 46 Ship Bottom, New Jersey, situate southeasterly of the oceanfront building line, as set forth in the April 12, 2017 letter be and hereby is affirmed; whereon Applicants appeal is denied; and be it further resolved that Diane Amberg Borsellino's application for variances to the raise the existing two family home and construct a stairway and landing, eastwardly of the oceanfront building line contrary to Ordinance Section 16.72-010 of the Borough of Ship Bottom, and to construct a two story addition; and enclose certain decking and construct rooftop decking there over, all as reflected on the plans entered into evidence on February 20, 2019 prepared by Michael Pagnotta, Architect and Nelke/Tyszka Land Surveyors, LLC at property known and designated as Lot 2 Block 46; 136 East 19th Street in the Borough of Ship Bottom, County of Ocean and State of New Jersey be and hereby is denied.

Roll Call: Basile, Bishop, Hay and Fenimore all aye. Tallon opposed to the denial of the application.

ADJOURNMENT:

On a motion by Mr. Hay seconded by Mr. Basile and an all aye vote, Vice Chairman Tallon adjourned the meeting at 6:33 P.M.

Sara Gresko, Secretary
Land Use Review Board