

**REORGANIZATION MEETING
JANUARY 18, 2017**

The following are the minutes of the Reorganization Meeting of the Land Use Review Board of the Borough of Ship Bottom, Ocean County, New Jersey, which was held in the Borough Hall, 1621 Long Beach Blvd., Ship Bottom, New Jersey on January 18, 2017.

REORGANIZATION MEETING:

The Reorganization Meeting was opened at 7:00 p.m. by Stuart Snyder, Esq., who announced to all present that the requirements of the Open Public Meetings Act had been satisfied.

Mr. Snyder explained to the public that we would proceed with the Land Use Review Board Reorganization prior to the Workshop and Regular meeting.

Mr. Snyder explained that Councilman Butkus would be a member of the Land Use Review Board as the Mayor's designee.

Mr. Snyder administered the Oath of Office to the following members of the Board:

Councilman Edward English
Councilman Robert Butkus
James Bishop
Frank Cooper
Tracey Schmidt
William Fenimore
Kathleen Wells, Secretary

Mr. Snyder asked for a roll call of members. The following were present:
English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta.

Mr. Snyder asked for nominations for Chairman. On a motion by Councilman English, seconded by Councilman Butkus, Frank Cooper was nominated as Chairman of the Board. There were no other nominations.

All in Favor Vote: English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta, all aye.

Mr. Snyder asked for nominations for Vice Chairman. On a motion by Councilman Butkus, seconded by Councilman English, Joanne Tallon was nominated as Vice Chairman of the Board. There were no other nominations.

All in Favor Vote: English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta, all aye.

Mr. Snyder asked for nominations for Land Use Review Board Secretary. On a motion by Councilman English, seconded by Mr. Panetta, Kathleen Wells was nominated as Secretary of the Board. There were no other nominations.

All in Favor Vote: English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta, all aye.

Chairman Cooper asked for a motion to appoint Stuart Snyder, Esq. as the Board Attorney. On a motion by Councilman English, seconded by Councilman Butkus, Stuart Snyder, Esq. was appointed.

All in Favor Vote: English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta, all aye.

Mr. Snyder asked for a motion to appoint Frank Little, of Owen, Little and Associates, Inc. as the Board Engineer and Planner. On a motion by Councilman English, seconded

by Mr. Hay, Frank Little, of Owen, Little and Associates, Inc. was appointed.

All in Favor Vote: English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta, all aye.

Mr. Snyder stated that the Open Public Meetings Act was satisfied.

Mr. Snyder asked for a roll call of members. The following were present:
 English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta.

REORGAINIZATION RESOLUTION:

Chairman Cooper called for Resolution 2017-A, Annual Meeting Notice. On a motion by Mr. Hay, seconded by Councilman Butkus, this was approved as follows:

**RESOLUTION OF THE LAND USE REVIEW BOARD
 OF THE BOROUGH OF SHIP BOTTOM
 COUNTY OF OCEAN AND STATE OF NEW JERSEY
 REGARDING TIME AND DATES OF MEETINGS, DESIGNATING
 OFFICIAL NEWSPAPERS AND ADOPTING PROCEDURES FOR 2017
 2017-A**

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey and provides for public notice to be given pursuant to certain requirements concerning meetings of the Land Use Review Board of the Borough of Ship Bottom; and

WHEREAS, the Board is required to adopt a Resolution scheduling regular meetings, study sessions and such meetings as may be necessary to carry out the business of the Land Use Review Board; and

NOW, THEREFORE, BE IT RESOLVED that the following schedule is hereby adopted for the Land Use Review Board of the Borough of Ship Bottom until further notice.

The regular public business meetings of the Land Use Review Board of the Borough of Ship Bottom shall be held immediately following the Work Shop which begins at 7:00 p.m. on the third Wednesday of each month unless otherwise noticed. All meetings will be held at the Borough Hall, 1621 Long Beach Boulevard, Ship Bottom, NJ.

Therefore, pursuant to this Resolution the following dates for Work Shop and regular meetings shall be:

- Wednesday, January 18 2017 (Reorganization and Regular Meeting)
- Wednesday, February 15, 2017
- Wednesday, March 15, 2017
- Wednesday, April 19, 2017
- Wednesday, May 17, 2017
- Wednesday, June 21, 2017
- Wednesday, July 19, 2017
- Wednesday, August 16, 2017
- Wednesday, September 20, 2017
- Wednesday, October 18, 2017
- Wednesday, November 15, 2017
- Wednesday, December 20, 2017
- Wednesday, January 17, 2018 (Reorganization and Regular Meeting)

The public shall not participate in the Work Shop or discussion, but may be present.

The Agenda of the regular meeting, to the extent known, shall be as follows:

1. Attend to Correspondence
2. Approval of Minutes of prior meeting
3. Disposition of Old Business
4. Disposition of New Business
5. Adoption of Resolutions
6. Business of the Board
7. Public Comment
8. Adjournment

BE IT FURTHER RESOLVED that the Land Use Review Board meetings shall adjourn at 10:30 p.m. with no further testimony being taken or other business conducted unless otherwise ordered by the discretion of the Board.

BE IT FURTHER RESOLVED that in the event additional meetings need to be held, notice will be given pursuant to law.

BE IT FURTHER RESOLVED that each applicant on the Agenda shall have a maximum time period of one (1) hour to present testimony, witnesses and other proofs in support of its case including the comments of objectors and the public.

BE IT FURTHER RESOLVED that the Board requires that all applications and appropriate plans in support thereof be filed with the Board Secretary as pursuant to Title 16 of the Borough Code.

BE IT FURTHER RESOLVED that the following newspapers are hereby designated as the official newspapers of the Borough of Ship Bottom Land Use Review Board, for notices and for matters as may be necessary according to law.

- I. Beach Haven Times
- II. Atlantic City Press
- III. Asbury Park Press

This notice shall be published once in the Beach Haven Times and the Asbury Park Press. No further publication of the regular meetings shall appear again until January, 2017.

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

Chairman Cooper called for the Synopsis of Variance Applications for 2016. On a motion by Councilman Butkus, seconded by Councilman English, to approve and forward to the Mayor and Council, the Synopsis of Variance Applications for 2016. This was approved as follows:

**ANNUAL REPORT
SYNOPSIS OF VARIANCE APPLICATIONS FOR 2016**

DOCKET NO. 16:01
URBANIK, RONALD & KATHLEEN
130 E. 26TH STREET
BLOCK 24, LOT 3

Requesting a variance from compliance with lot area, lot frontage, lot width and lot depth as to allow for the renovation of the existing 2-story dwelling and enclosing the existing second floor deck as well as adding additional outdoor space to the second floor.

Approved: 1/20/2016

DOCKET NO. 16:02
MEHL, WILLIAM & JOSHUA FUSS
701 BARNEGAT AVENUE
BLOCK 110, LOT 3

Use Variance requested for the proposed expansion of a non-conforming duplex. Variances are also needed for existing lot area, existing lot frontage, existing lot depth, existing front yard setbacks, existing side yard setbacks, proposed building coverage and existing lot coverage. Applicant seeks to convert existing ground level living space into storage/garage space and construct a new second floor above the existing residential unit.

Approved: 2/17/2016

DOCKET NO. 16:03
MAGAZINER, ALLAN & SUZANNE
20 ROBERT DRIVE
BLOCK 16, LOT 1.10

Requesting a variance from compliance with existing lot frontage, existing lot width, existing lot depth, proposed side yard setbacks, proposed rear yard setbacks, proposed building coverage and existing height to allow for the addition/replacement of decking and construction of a second floor addition at the rear corner of the existing single family dwelling. There is also a proposed pool and fencing.

Approved: 2/17/2016

DOCKET NO.16:04
S & S, A VIRGINIA PARTNERSHIP
2210 LONG BEACH BLVD.
BLOCK 37, LOTS 11 & 12

Use Variance, applicant is proposing the outdoor placement of merchandise along the front and side of the existing structure as well as along the perimeter of the parking lot. No additional site improvements are proposed.

Approved: 06/15/2016

DOCKET NO. 16:05
 KRIKAL, LLC
 133 E. 28TH STREET
 BLOCK 20, LOT 25

Variance from compliance with existing lot area, existing lot depth and proposed rear yard setback to allow for the demolition of the existing single family dwelling and construction of a new single family dwelling on the subject site. Off street parking will be available under the dwelling in garages.

Approved: 07/20/2016

DOCKET NO. 16:06
 KRIKAL, LLC
 105 E. 16TH STREET
 BLOCK 67, LOTS 15 & 16

Minor Subdivision; new lots proposed at 40x100 and 40x90. Applicant proposed to abandon the commercial use on the first floor and demolish the structure. The lot will be subdivided and two new single family homes will be constructed along with associated site improvements. Variances will be needed for lot depth, lot area and lot width.

Denied: 08/17/2016

DOCKET NO. 16:07
 SHORE PROSPECT
 2104 CENTRAL AVE.
 BLOCK 39, LOT 8.01
 SITE PLAN

DOCKET NO. 16:08
 COLLURA, ANTHONY & LINDA
 130 E. 22ND STREET
 BLOCK 37, LOT 5

Variance from compliance with proposed front yard setback and lot coverage to allow for the removal of the existing concrete landing and construction of a new wooden deck with two (2) steps.

Approved: 10/19/2016

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

On a motion by Mr. Dixon, seconded by Councilman Butkus and an all-in favor vote, all aye, the Reorganization and Workshop meeting was closed.

REGULAR MEETING:

Chairman Cooper opened the Regular meeting at 7:20 pm.

Chairman Cooper read the Statement of Notice as follows:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:20 P.M. and the date is January 18, 2017. The time, date and location of this meeting is listed in the annual schedule notice which was published in the Asbury Park Press and Atlantic City Press on February 4, 2016 and the Beach Heaven Times on November 11, 2016 and posted on the Bulletin Board in the Office of the Borough of Ship Bottom on February 2, 2016.

The next regular meeting of Ship Bottom Land Use Review Board is scheduled for February 15, 2017.

The conduct of this meeting is being recorded so all testimony can be clearly heard. At the appropriate time the meeting will be opened 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 Vote: English, Butkus, Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, Fenimore and Panetta, all aye.

CORRESPONDENCE:

Chairman Cooper stated that the Correspondence folder was being passed around for the board members to review.

NEW BUSINESS:

Chairman Cooper called for New Business:

Docket No. 17:01
The Baldwin Residence, LLC
338-380 W. 8th Street
Block 103, Lots 6 & 3

Councilman English and Councilman Butkus left the meeting at 7:23 pm, due to the nature of the application.

Frank Little, Engineer was sworn in as Board Professional Planner and Engineer by Mr. Stuart.

James S. Raban, Esq. representing the applicant.

The following were marked into evidence by Mr. Snyder:

Exhibit A-1: the application dated December 23, 2016
Exhibit A-2: plans dated December 19, 2016 containing five (5) sheets
Exhibit A-3: architectural plans
Exhibit B-1: the review letter from Owen, Little & Associates, Inc.
Prior Resolutions: 2006:16 SP/V; 2007:10 SP/V and 2015:04 SP/V.

Testimony was offered by Christopher Vernon, member of applicant; Robert R. Stout, PE, PLS applicants Engineer and Surveyor; Tiffany CuvIELLO, applicants Professional Planner; Craig W. Brearley and Jeffrey J. Pack applicants Architects. All were sworn in by Mr. Snyder.

The Baldwin Residence, LLC is asking to further modify and amend the previously granted Variances and Site Plan approvals; and for variances and preliminary and final Major Site Plan approval for the development of Lot 6 Block 103 located at 338-380 West 8th Street including Lot 3 Block 103 354 West 9th Street (pertaining to usage of 19 parking spaces on that property occupied by the CVS Pharmacy), to relocate the building on the property; maintain the previously approved 105 guest rooms; and to continue to utilize the facility as a banquet hall for receptions, maintain the approved lounge restaurant and bar area; and eliminating one of the approved swimming pools. All previously approved variances will continue; applicant has modified the room layout and provided additional parking spaces to accommodate the proposed use; and is requesting additional variance relief to maintain a 0 foot setback at the west from the proposed covered porch and a 3 foot setback from 9th Street to the swimming pool room. The Board had previously approved the development of the subject property and adjacent properties for a multi-family apartment use and restaurant facility under Resolution of Memorialization Docket Number 06:16 SP/V adopted on November 15, 2006. That approval was thereafter modified to permit the reconfiguration of the bar and restaurant area together with an outside bar and patio; acknowledging that the construction of the approved multifamily uses would subsequently be constructed, under Resolution of Memorialization Docket Number 2007:10 SP/V adopted on September 19, 2007; thereafter the approvals were modified to permit the development of the site with an extended stay hotel facility with 105 guest rooms; a meeting room; kitchen and area for meal services; a lounge and a bar; a rooftop deck; fitness facilities and two swimming pools under Resolution of Memorialization 2015-04SP/V adopted March 18, 2015.

On a motion by Mr. Hay, seconded by Mr. Basile and an all-in favor vote, all aye, the hearing was opened to the public.

Walter Arosemowicz, 2203 E. Bay Terrace, asked if there was sufficient parking for the facility. The answer was that the parking exceeds the requirements of the ordinance. On a motion by Mr. Hay, seconded by Mr. Panetta and an all-in favor vote, all aye, the hearing was closed to the public.

On a motion by Mr. Hay, seconded by Mr. Basile, Docket No. 17:01 was approved as presented.

Roll Call Vote: Basile, Bishop, Cooper, Dixon, Hay, Schmidt, Tallon, all aye.

Chairman Cooper asked for a motion to approve the minutes of the December 21, 2016 minutes. On a motion by Mrs. Tallon and seconded by Ms. Schmidt, the minutes were approved.

Roll Call Vote: Basile, Bishop, Dixon, Hay, Schmidt, and Tallon, all aye.

BOARD BUSINESS:

Kathleen Wells talked to the board about providing the Education Certificates that are missing in the files and those that did not attend the class yet, to please do so. Ms. Wells also asked for the board members' Title 16 books to be dropped off to be updated.

On a motion by Mr. Hay, seconded by Mr. Basile and an all-in favor vote, all aye, Chairman Cooper adjourned the meeting at 8:40 pm.

Kathleen Wells, RMC, Secretary
Land Use Review Board