

**REGULAR MEETING
FEBRUARY 15, 2017**

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 February 15, 2017.

Chairman Cooper stated the following:

The workshop meeting of the Ship Bottom Land Use Review Board is now open. The time is 7:00 P.M. and the date is February 15, 2017. Upon completion of the Work Shop Meeting the regular meeting will convene. Both meetings meet all the criteria of the Open Public Meetings Act.

Chairman Cooper asked anyone that has a Code Book to drop it off to the Secretary to be updated.

On a motion by Mr. Basile, seconded by Councilman Butkus and an all-in favor vote, all aye, to close the Workshop meeting.

REGULAR MEETING:

Chairman Cooper stated the following:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:02 P.M. and the date is February 15, 2017. The time, date and location of this meeting is listed in Resolution 2017-A, which was published in the Asbury Park Press, the Press of Atlantic City and Beach Haven Times. This was also posted on the Bulletin Board in the Municipal Building.

The next regular meeting of Ship Bottom Land Use Review Board is scheduled for March 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 of members: Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Councilman English (conflict on the application), Mr. Dixon and Mr. Panetta were absent.

Also in attendance were the Board Attorney, Stuart D. Snyder, Esq., the Board Engineer/Planner, Douglas Klee, PE, PP, CME of Owen, Little and Associates and the Board Secretary, Kathleen Wells.

CORRESPONDENCE:

The correspondence folder was passed around for all members to review.

MINUTES: None available.

OLD BUSINESS: None

NEW BUSINESS:

- (A) DOCKET NO. 17:02
MESP, LLC
1419 LONG BEACH BLVD.
BLOCK 75, LOT 1

James Raban, Esq. is representing the applicant.

Mr. Raban passed pictures to the Board.

Mr. Raban presented their case for the variance to allow the electronic sign. Mr. Raban stated that this is not a permitted use here but is a permitted use in surrounding municipalities. The sign would face north and is 7.9 sq. ft.

The following were marked into evidence by Mr. Snyder:

A-1 The application.

A-2 Pictures that were passed around to the Board.

B-1 Review letter prepared by Owen, Little & Associates

Patrick Moeller was sworn in and provided testimony.

On a motion made by Councilman Butkus, seconded by Mr. Hay and an all-in favor vote, all aye, the public portion was open.

Not recognizing anyone from the public, on a motion made by Mr. Basile, seconded by Mr. Hay and an all-in favor vote, all aye, the public portion was closed.

Mr. Raban provided closing statements and discussion ensued amongst the Board.

Mr. Raban requested that this be carried to the March meeting, so the applicant can look at other options.

A motion to carry this application to the next meeting was made by Mr. Basile and seconded by Mr. Hay.

Roll call vote: Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, all aye to carry.

RESOLUTIONS:

- A. DOCKET NO. 17:01
THE BALDWIN RESIDENCE, LLC
338-380 WEST 8TH ST.
BLOCK 103, LOT 6 & LOT 3

On a motion by Mr. Hay, seconded by Mr. Basile this was approved 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. 2017:01 SP/V**

WHEREAS, The Baldwin Residence, LLC has made application to the Land Use Review Board of the Borough of Ship Bottom 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) in the Borough of Ship Bottom, County of Ocean and State of New Jersey 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; and

WHEREAS, the Land Use Review Board considered this application at a public hearing conducted on January 18, 2017. The applicant was represented by James S. Raban, Esq. The application dated December 23, 2016 was entered into evidence as

Exhibit A-1; the plans prepared by Stout and Caldwell Engineers, LLC titled “Amended Preliminary / Final Site Plans for the Hotel LBI Tax Block 103, Lot 6 Tax Map Sheet 17 380 West 8th Street Borough of Ship Bottom, Ocean County, New Jersey” dated December 19, 2016 containing five (5) sheets; under signature and seal of Robert R. Stout, PE, PLS was entered into evidence as Exhibit A-2; architectural plans prepared by Dever Architects and Craig W. Brearley, AIA, Architect titled “Hotel LBI (Extended Stay Hotel) Borough of Ship Bottom, Ocean County, New Jersey dated/submitted December 21, 2016 consisting of drawing A-1 Ground Floor Plan; drawing A-2 First Floor Plans; drawing A-3 Second Floor Plans; drawing A-4 Third Floor Plans; drawing A-5 Roof Plan’ and drawing A-6 Building Elevations; all under signature and seal of Thomas J. Dever, Registered Architect was entered into evidence as Exhibit A-3; a seven (7) page colored pamphlet with the first page being a computer rendering of the west elevation of the proposed building; the second page being a reduction of sheet A-1 of Exhibit A-3; the third page being a reduction of sheet A-2 of Exhibit A-3; the fourth page being a reduction of sheet A-3 of Exhibit A-3; the fifth page being a reduction of sheet A-4 of Exhibit A-3; the sixth page being a reduction of sheet A-5 of Exhibit A-3 the seventh page being a reduction of the cover page of Exhibit A-2 was entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, and dated January 11, 2017 was entered into evidence as Exhibit B-1. The Board has taken notice of prior approvals as set forth in Resolutions of Memorialization 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 Cuviallo, applicants Professional Planner; Craig W. Brearley and Jeffrey J. Pack applicants Architects. Public comment was offered by Walter Arosemowicz; and

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

1. All jurisdictional requirements have been met.
2. The property is in the GC General Commercial Zone.
3. 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.
4. Applicant now appears before the board with a revised plan for the development of the property.
5. Applicant proposes to construct the 105 guest rooms previously approved; however the delineation of the rooms has been modified with more studio units than previously approved; 86 studio units; 8 one bedroom units; 9 two bedroom units and 2 bridal suites are now proposed. Applicant proposes to continue operating a banquet/reception facility at the property together with a restaurant, when not being used for banquets. The layout of the first floor has been modified to provide and area to the west for guest billiards, library and guest lounge totaling 3,839 square feet; a conservatory or banquet area of 3,809 square feet is provided; ; a breakfast and dining area for a restaurant use is provided; and an interior swimming pool is provided . The second swimming pool was eliminated from the plan. There is a covered patio provided with the current design, which also will be utilized for the banquet and restaurant uses. Applicant will also provide a roof top deck, subject

to the restrictions and requirements set forth in prior Resolutions of approval.

6. As a result of the requirements of the New Jersey Department of Transportation the frontage on the property at 9th Street may not be utilized for access and egress; a solid curb line is required. All access and egress is mandated at 8th Street. Applicants revised their plan; shifting the building to toward the South to accommodate the traffic pattern on 8th Street.
7. As a result of shifting the building, the set back at the pool structure is 3' where 15' feet was previously approved; the front yard setback to the west is proposed at 0' feet to the covered patio; the plan provides for an offset; as requested by the Board Engineer.
8. The Board adopts the contents of the review letter from Owen Little and Associates, Inc. dated January 11, 2017, entered into evidence as Exhibit B-1 as if set forth herein at length.
9. The circulation on 8th Street is one way; applicant has provided for two way circulation within the site.
10. The addition of banquet facilities in conjunction with the approved hotel use mandates additional parking spaces for a total of 200 parking spaces; applicant is providing 205 parking spaces pursuant to the plans before the Board. The Board notes that 19 of the parking spaces are located at Lot 3 Block 103; pursuant to a deed restriction; and as part of prior development approvals.
11. As a result of the relocation of the building and modifications to the use and parking; applicant has provided an exterior trash management area at the westerly terminus of the building at 8th Street.
12. Exterior lighting shall conform to Borough Ordinances and shall be located upon approval of the Board Engineer. Applicant proposes substantial landscaping at the site; inclusive of tiered landscaping on 9th Street; All landscaping shall be approved by the Board engineer; prior to installation. The lighting at the site shall be designed and located to not have any impact upon the traffic flow around the site.
13. Applicant proposes to utilize valet parking services for banquets at the property.
14. There are two means of access and egress proposed on 8th Street; the State will not permit any access or egress from 9th Street.
15. The proposal by applicant is aesthetically pleasing; there will not be any impairment to the light and air of adjoining properties; as the property is surrounded by three streets. The banquet/reception use is permitted at the site; and applicant has addressed the additional parking requirements.
16. Applicant will be providing sprinklers throughout the building, inclusive of the ground floor parking level.
17. Applicants will amend the plans to provide for adequate signage delineating the access and egress; and parking requirements.
18. Applicant will be providing six (6') foot sidewalks around the property.
19. The restaurant at the site will be limited to hotel guests only when a banquet or reception is taking place.
20. The Board reiterates its findings as set forth in Resolution 2015-04 when the extended stay hotel was approved; with modifications as set forth herein for the setback variance of 0 feet to the west; with an offset, and for a 3' foot setback to the swimming pool room from 9th Street; the increase in parking and the proposal to maintain the banquet/reception use in conjunction with the 105 room hotel use; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, The Baldwin Residence, LLC, for Preliminary and Final Minor Site Plan approvals to amend the approval set forth in Resolution 2015-04 to permit the shifting of the building to the south; with access and egress solely from 8th Street; provide a westerly front yard setback of 0 feet to the covered porch; and 3' foot setback to the swimming pool room from 9th Street; and to

continue to provide banquets and receptions at the property; with the reconfiguration of the guest rooms and to provide banquet and guest facilities as set forth on the first floor plan of Exhibit A-3 in conjunction with the approved 105 room hotel and all variances previously granted from coverage, setback and building height requirements; at property known and designated as Lots 6 Block 103 located at 338-380 West 8th Street and 354 West 9th Street, Ship Bottom, Ocean County, New Jersey, in accordance with the plans of Stout and Caldwell Engineers, LLC titled "Amended Preliminary / Final Site Plans for the Hotel LBI Tax Block 103, Lot 6 Tax Map Sheet 17 380 West 8th Street Borough of Ship Bottom, Ocean County, New Jersey" dated December 19, 2016 containing five (5) sheets; under signature and seal of Robert R. Stout, PE, PLS was entered into evidence as Exhibit A-2 and architectural plans prepared by Dever Architects and Craig W. Brearley, AIA, Architect titled "Hotel LBI (Extended Stay Hotel) Borough of Ship Bottom, Ocean County, New Jersey dated/submitted December 21, 2016 entered into evidence as Exhibit A-3 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 board reiterates its findings in Resolution 2015-04 and further finds that the relocation of the building as mandated by the New Jersey Department of Transportation will provide adequate access and egress, subject to applicant utilizing the services of valet parking during banquets and events; the banquet/reception use of the property is permitted in the zone and applicant has provided adequate parking to support that use at the site. The setbacks at 9th Street from the swimming pool room of 3' feet will be tot an elevated area; and will not impede light air and open space; nor will the 0 foot setback to the West of the property; as the covered porch will be elevated; and there will be substantial landscaping surrounding the site at that location. As previously decided by the Board, the creation of this proposed building and the use meets the intent of the Master Plan and should enhance tourism in the area.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of The Baldwin Residence, LLC, for Preliminary and Final Miner Site Plan approvals to amend the approvals set forth in Resolution 2015-04 to permit the shifting of the building to the south; with access and egress solely from 8th Street; provide a westerly front yard setback of 0 feet to the covered porch; and 3' foot setback from 9th Street to the swimming pool room; and to continue to provide banquets and receptions at the property; with the reconfiguration of the guest rooms and to provide banquet and guest facilities as set forth on the first floor plan of Exhibit A-3; in conjunction with the approved 105 room hotel with all variances previously granted from coverage, setback and building height requirements at property known and designated as Lots 6 & 8, Block 103 located at 338-380 West 8th Street and 354 West 9th Street, Ship Bottom, Ocean County, New Jersey, in accordance with the plans of Stout and Caldwell Engineers, LLC titled "Amended Preliminary / Final Site Plans for the Hotel LBI Tax Block 103, Lot 6 Tax Map Sheet 17 380 West 8th Street Borough of Ship Bottom, Ocean County, New Jersey" dated December 19, 2016 containing five (5) sheets; under signature and seal of Robert R. Stout, PE, PLS was entered into evidence as Exhibit A-2 and architectural plans prepared by Dever Architects and Craig W. Brearley, AIA, Architect titled "Hotel LBI (Extended Stay Hotel) Borough of Ship Bottom, Ocean County, New Jersey dated/submitted December 21, 2016 entered into evidence as Exhibit A-3, 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 January 11, 2017, as entered into evidence as Exhibit B-1; and applicant complying with all other technical revisions as may be required by the Board engineer.

BE IT FURTHER RESOLVED that the Board has not addressed any of the issues pertaining to the liquor license being used at the property; this approval is subject to and conditioned upon applicant complying with all terms and conditions imposed by the Borough of Ship Bottom and the New Jersey Alcohol Beverage Control Board regarding the privileges and restrictions of owning and using the liquor license.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements and all building, fire and safety Codes.

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.

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, including but not limited to Ocean County Planning Board; Ocean County Soil Conservation District and from the Ship Bottom Water and Sewer Departments; the New Jersey Alcohol Beverage Commission and the Mayor and Council and Construction and Zoning Departments of the Borough of Ship Bottom; and the New Jersey Department of Transportation.

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. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required, in amounts established by the Borough Engineer, and in such form as required by the Borough Solicitor.

BE IT FURTHER RESOLVED that this approval is subject to the condition that there shall not be any alcohol on the roof deck past midnight on Sunday through Thursday; and that there shall not be any amplified music outside of the facility. Applicant shall comply with all noise ordinances of the Borough of Ship Bottom.

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 Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions as set forth herein and at the public hearing and all representations as placed on the record at the public hearing conducted on January 18, 2017 when this matter was considered.

BE IT FURTHER RESOLVED that applicant shall comply with all terms and conditions set forth in Resolution 2015-04 SP/V except those conditions and approvals as modified herein.

BE IT FURTHER RESOLVED that the approvals herein are subject to and conditioned upon applicant providing a storm water management plan, including piping and roof drains on the building, acceptable and approved by the Board Engineer; applicant submitting a landscape plan approved by and acceptable to the Board Engineer; all lighting and signage shall conform with Borough Ordinances; and all lighting shall be glare proof and mounted in such a fashion not to interfere with the traffic surrounding the property or developments surrounding the property.

BE IT FURTHER RESOLVED that applicant is hereby granted additional variance relief for the development of the property to continue using same as a banquet/reception facility; a restaurant for hotel guests only when a banquet or reception is taking place; and a restaurant for the public when there are not any banquets or receptions at the facility; applicant may maintain a 0' set back to the west from the covered porch and a 3' setback to 9th Street from the swimming pool room. All prior variances granted to the property, except as modified herein, are reconfirmed. Applicant shall also provide adequate signage for access and egress, to be approved by the Board engineer. Valet parking shall be provided when banquets and receptions are being conducted at the property.

Date Approved: February 15, 2017

Motion: Mr. Hay

Second: Mr. Basile

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

ADJOURNMENT:

On a motion by Mr. Hay, seconded by Mr. Basile and an all in favor vote, all aye, the meeting was adjourned at 7:52 p.m.

Kathleen Wells, RMC, Secretary
Land Use Review Board.