

**REGULAR 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 March 15, 2017.

**WORKSHOP MEETING**

Chairman Cooper stated the following:

The workshop meeting of the Ship Bottom Land Use Review Board is now open. The time is 7:02 P.M. and the date is March 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.

**REGULAR MEETING**

Chairman Cooper stated the following:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:04 P.M. and the date is March 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 April 19, 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 English, Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Panetta, Vice Chairman Tallon and Chairman Cooper, present. Mr. Fenimore, absent.

Also in attendance were the Board Attorney, Stuart D. Snyder, Esq., the Board Engineer/Planner, Frank J. Little, Jr., 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:**

The minutes of the January 18, 2017 meeting were presented to the Board. On a motion by Mr. Hay, seconded by Councilman Butkus, the minutes were approved as submitted.

Roll Call Vote: Councilman English, Councilman Butkus, abstained. Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Panetta, Vice Chairman Tallon and Chairman Cooper, all aye.

The minutes of the February 15, 2017 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: Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon and Chairman Cooper, all aye.

**OLD BUSINESS:**

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

Councilman English left the meeting due to a conflict.

James S. Raban, Esq. representing the applicant.  
Ted Mitchell, Manager of Coastal Sign and Design testified on behalf of the applicant regarding the sign's design and capabilities, after being sworn in by Stuart Snyder.

The following were marked into evidence by Mr. Snyder at the February 15, 2017 meeting.

- A-1 The application
- A-2 Pictures that were passed around to the Board
- B-1 Review letter prepared by Owen, Little & Associates

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

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

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

A motion to approve this application was made by Vice Chairman Tallon and seconded by Ms. Schmidt.

Roll Call Vote: Councilman Butkus, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Panetta and Vice Chairman Tallon, all aye. Mr. Basile and Chairman Cooper, voted no.

**NEW BUSINESS:** Chairman Cooper reversed the order of the following applications.

- (B) DOCKET NO. 17:04  
SHAWN AND LORRAINE MAHONEY  
131, 133,135 & 137 E. 29<sup>TH</sup> ST.  
BLOCK 19, LOT 1.01 & 24

Richard P. Visotcky, Esq. of Kelly & Visotcky, LLC representing the applicants.  
Leon Tyszka, Nelke/Tyszka Land Surveyors, LLC  
Robert Stack, Architect

The following were marked into evidence by Mr. Snyder:

- A-1 The application
- A-2 Variance plan from Nelke/Tyszka
- A-3 Architectural plans from Robert Stack
- B-1 Review letter prepared by Owen, Little & Associates
- A-4 Dual photo
- A-5 Dual photo
- A-6 Approved CAFRA permit, filed

Mr. Stack presented exhibits to explain the architecture of the home as it sits on the property.

Mr. Tyszka testified regarding the variance plan that he prepared.

Shawn Mahoney was sworn in. He clarified that there is not an easement on the north side of the property.

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

1. Kevin O’Neill, 112 E. 27<sup>th</sup> St., was in support of the application as presented.
2. George Ivanhoff, 129 E. 29<sup>th</sup> St., is not in support of the project as presented. He feels this will negatively impact his property.
3. David Esposito, Esq. representing Estelle Forcelle, owner of 136 E. 28<sup>th</sup> St. Ms. Forcelle is not in support of the variance for the rear yard setback. She believes that the plan could be changed to conform.
4. George Finck, 109 E. 29<sup>th</sup> St., is in support of the project.

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

There was a break in the meeting from 8:22 until 8:27 in order for Mr. Visotcky to speak with his clients.

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

A motion to approve this application was made by Mr. Hay and seconded by Mr. Basile.

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

Chairman Cooper called for the following application:

- (A) DOCKET NO. 17:03  
ROBERT P. MUSGNUG  
108 E. 27<sup>TH</sup> ST.  
BLOCK 20, LOT 1

Councilman Butkus stepped down as this is a use variance.

Kathleen M. Shackleton, Esq. of Shackleton-Hazeltine, representing the applicant.  
James D. Brzozowski, P.E., P.P.- Horn, Tyson and Yoder, Inc. Engineer and Planner  
Robert Musgnug, Musgnug & Associates, Architect and applicant.

The following were marked into evidence by Mr. Snyder:

- A-1 The application
- A-2 Variance plan, Horn, Tyson and Yoder.
- A-3 Architectural plans, Musgnug & Associates
- B-1 Review letter prepared by Owen, Little & Associates

James Brzozowski was sworn in and testified on behalf of the applicant.  
Robert Musgnug, applicant and architect on the property testified.

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

Kevin O’Neill, 112 E. 27<sup>th</sup> St., questioned Mr. Musgnug and James Brzozowski.  
Diane O’Neill, 112 E. 27<sup>th</sup> St., had comments on the application.

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

Ms. Shackleton provided closing statements and discussion ensued amongst the Board.

A motion to approve this application was made by Mr. Basile and seconded by Mr. Dixon.

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

**RESOLUTIONS: NONE**

John Volpe, Assistant Fire Chief of the Ship Bottom Fire Co. introduced himself and explained that he would be attending meetings and looking at the applications in order to see

them from the perspective of the Fire Co.

**ADJOURNMENT:**

On a motion by Ms. Schmidt, seconded by Mrs. Tallon and an all aye vote, Chairman Cooper adjourned the meeting at 9:30 pm.

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Kathleen Wells, RMC, Secretary  
Land Use Review Board