

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 August 17, 2016.

The Work Session was opened at 7:00 p.m. by Chairman Butkus who announced to all present that the requirements of the Public Notice of the Meeting and of the Open Public Meetings Act had been satisfied.

REGULAR MEETING:

The Regular Meeting was called to order by Chairman Butkus at 7:01 p.m. He informed all those present that this meeting met all the criteria of the Open Public Meetings Act.

Roll call of members: Mayor Huelsenbeck, Mr. Basile, Mr. Cooper, Mr. Dixon, Mr. Hay, Mr. Bishop and Chairman Butkus present. Councilman English, Ms. Schmidt, Mr. Panetta and Vice Chairman Tallon 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, Danielle Mezzina.

CORRESPONDENCE:

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

MINUTES:

The minutes of the July 20, 2016 meeting were presented to the Board for review. Mr. Basile made a motion to approve the minutes as written, Mr. Dixon seconded the motion. Roll call vote: Huelsenbeck, Basile, Cooper, Dixon, Hay, Bishop, and Butkus all aye to approve.

NEW BUSINESS:

- (A) DOCKET NO. 16:07
SHORE PROSPECTS, LLC
101-107 WEST 9TH STREET
BLOCK 105, LOT 1.01

Arnold Lakind, attorney on behalf of the applicant.

Frank Little sworn in as Board Professional Planner and Engineer.

The proposed project is for a 24-unit apartment complex located at the property better known as “the Circle”. Two variances are needed and they are requesting preliminary and final site plan.

Mr. Snyder speaks about the Ordinance passed by Borough Council at the last meeting in regards to density in the zone the applicant seeks to develop in.

The following were marked into evidence by Mr. Snyder:

- A-1 Revised Application, dated 8/9/16
- A-2 Site Plan, 10 sheets dated 7/12/16 and revised 8/8/16
- A-3 Rendering of elevations, photograph and floor plans
- A-4 Storm Water Management Plan booklet
- A-5 Site Plan rendering
- A-6 Building rendering
- B-1 Review letter prepared by Owen, Little & Associates

Jeffery Wells, professional architect on behalf of the applicant, sworn in by Mr. Snyder.

Mr. Wells reviews his rendered elevations with the Board. The building will not exceed the 40ft mark. Cedar shingles will be made of PVC to give the old-age feel with a modern material. Copper roof will hide the mechanical units. Buildings will be fully fire rated. All living quarters and mechanicals will be above base flood elevation. Each unit will be provided with a storage unit at base level as well as shared changing rooms. In the center of the property will be a courtyard as well as a lap pool.

Charles E. Endicott, professional engineer for the applicant is sworn in by Mr. Snyder. Mr. Endicott explains the property and what currently exists surrounding it. The variances are for front yard set-backs and are discussed in length. Discussion regarding parking ensued. Decorative lighting was discussed and the Board would like the applicant to provide decorative lighting along the outside of the property. The contents of Mr. Little's review letter were discussed.

Nicholas Garafolo, sworn in as applicant. Mr. Garafolo states that he did speak to DOT in regards to obtaining all or a portion of the adjacent property that belongs to the DOT.

Chairman Butkus called for a 5 minute break.

On a motion made by Councilman English, seconded by Mayor Huelsenbeck and an all aye vote, the meeting was open to the public. Not recognizing anyone from the public, on a motion made by Mayor Huelsenbeck, seconded by Mr. Hay and an all aye vote, the public portion was closed.

Mr. Lankind provided closing statements.

Councilman English makes a motion to approve the application with an improvement to the egress and to eliminate the stacked parking on the building one side and meet all the requirements from the Engineer's review later as well as a lighted and landscaped plan. Mr. Hay seconds the motion. Roll call vote: Huelsenbeck, English, Basile, Cooper, Dixon, Hay, Schmidt, Tallon and Butkus all aye.

RESOLUTION:

The following resolution was introduced by Mr. Snyder:

**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. 2016:06 SD/V**

WHEREAS, Krikal, LLC has made application to the Land Use Review Board of the Borough of Ship Bottom to subdivide property known and designated as Lots 15&16 Block 67; 105 East 16th Street, Ship Bottom, New Jersey into two (2) parcels for the construction of single family dwellings; and for variances to permit lot sizes of 40' x 127.74 feet and 40' x 90 feet. The proposed lot frontages and lot widths are 40' feet and the proposed lot areas are 4,829.4 square feet and 3,600 square feet; and

WHEREAS, the Land Use Review Board considered this application at a public hearing conducted on July 20, 2016. The applicant was represented by James S. Raban, Esq. The application dated June 29, 2016 was entered into evidence as Exhibit A-1; a copy of the January 3, 1995 between Joseph J. Gross and Ilse Gross, his wife, recording a copy of the 1994 Resolution of the Planning Board of the Borough of Ship Bottom, County of Ocean and State of New Jersey adopted October 18, 1994, in the Ocean County Clerk's Office on January 7, 1995 in Book 5236 at Page 372 was entered into evidence as Exhibit A-2; the plan prepared by Nelke/Tyszka Land Surveyors, LLC, titled "Minor Subdivision Plan Tax Map Lots 15 & 16 Block 67 Tax Map Sheet # 9 Borough of Ship Bottom, Ocean County, New Jersey" dated June 24, 2016; under signature of and seal of Leon J. Tyszka, PLS was entered into evidence as Exhibit A-3; architectural plans prepared by Michael Pagnotta Architect, PC, stamp dated June 29, 2016, under signature and seal of Michael Pagnotta, Architect, titled "16th Street Residence Lot 16/ Block 67 Ship Bottom, NJ Ocean County, New Jersey", consisting of a Sheet A-1 plot plans; and Sheet A-2 floor plans and elevations, was entered into evidence as Exhibit A-4; a photograph of the existing buildings on the site was entered into evidence as Exhibit A-5;

an aerial photograph of the property from GOOGLE was entered into evidence as Exhibit A-6. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, and dated July 14, 2016 was entered into evidence as Exhibit B-1. Testimony was offered by Leon J. Tyszka, applicants Surveyor; and by Michael Pagnotta, applicants architect and Professional Planner. There was not any public comment offered; and

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

1. All jurisdictional requirements have been met.
2. The property is owned by Joseph H. Gross, Michael P. Gross and John F. Gross. Applicant is the contract purchaser.
3. The property currently consists of a parcel of land with dimensions of 80' feet x 90' feet x 40' feet x 25.72 feet x 41.24' feet x 125.75' feet, containing 8,429.4 square feet. The property is located in the R-3 Single and Two Family Residential District.
4. The property is currently developed with a two story home together with an accounting office on the first floor and an indoor swimming pool.
5. In 2004 the owners of the property applied to the Land Use Review Board for variance relief to increase the living area at the house, which was approved subject to applicant filing a restriction to maintain the single family use at the property; that approval was memorialized on October 19, 1994. The Resolution was recorded by Deed dated January 3, 1995 lodged in the Ocean County Clerk's Office is Book 5236 at Page 372; as entered into evidence as Exhibit A-2.
6. Lots 15 and 16 Block 67 has been merged into one lot by the Borough Tax Assessor, as the existing development traverses both properties.
7. The Board adopts the contents of the July 14, 2016 letter of Frank J. Little, Jr., entered into evidence as Exhibit B-1, as if set forth herein at length; Mr. Little, upon his oath testified at the meeting.
8. Applicant proposes to acquire the property, abandon the commercial use at the site, and demolish the existing buildings, in conjunction with a two (2) lot residential subdivision. Applicant proposes one lot with dimensions of 40' x 90' feet containing 3,600 square feet; and the other lot with dimensions of 40' x 115.72' irregular containing 4,829.4 square feet.
9. Ordinance 16.32.010 governs the R-3 Single and Two Family Residential District; newly subdivided lots require 50' foot frontage, and 5,000 square feet of lot area. The proposed lots do not meet those requirements and applicant is requesting variances from the lot area, lot frontage, lot width and lot depth, as the minimum lot depth required is 100' feet; and this property is not subject to the lot depth exceptions as set forth in the Borough Ordinances.
10. The permitted uses include one and two family residential dwellings. The requirement for a two family development is 8,000 square feet lot area; lot depth of 100' feet; and lot frontage and lot width of 80' feet.
11. Applicant has not demonstrated any criteria to satisfy the requirements of NJSA 40:55D-70(c). The property is developed and may continue to be utilized for a single family home; the lot size is adequate for a two family home however variance relief from lot depth would be required.
12. The Master Plan and Ordinances of the Borough provide for the continuation of existing 4,000 square foot lots in the R-3 Single Family and Two Family Residential District; however, in an attempt to improve the density in the Borough, all new subdivisions must contain lots with a minimum lot area 5,000 square feet, together with a minimum lot width and lot frontage and lot width of 50' feet.
13. The Board is cognizant that there are 4,000 square foot developed lots within Block 67; however there are also larger lots within the Block
14. The creation of two lots with lot width and lot frontages of 40' feet and lot areas of 3,600 and 4,839.4 square feet in the R-3 Single Family Residential Zone is contrary to the Ordinances increasing the required lot area and lot width for newly created lots; and

WHEREAS, the Land Use Board of the Borough of Ship Bottom has determined

that the relief requested by the applicant, Krikal, LLC to subdivide property known and designated as Lots 15 and 16 Block 67, designated as Lot 15 Block 67 on the tax rolls of the Borough of Ship Bottom; 105 E. 16th Street, Ship Bottom, New Jersey into two (2) parcels for the construction of single family dwellings; and for variances to permit a lot with dimensions of 40' x 115.72' feet irregular with a lot area of 4,829.4 square feet and a lot with dimensions of 40' x 90 ' feet irregular with a lot area of 3,600 square feet , 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; as the existing lot may be developed in conformity with the Borough Zoning ordinances; the proposed subdivision will increase the density at the site; and applicant has not met the demonstrated required proofs for variance relief under NJSA 40:55D-70 c. (1) or NJSA 40:55D-70 c (2). The Borough has adopted Ordinance Section 16:28-01 C. to provide for newly created lots to provide 5,000 square feet and a lot frontage of 50' feet. The subject property may be lawfully developed, without the creation of two substandard nonconforming lots.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of Krikal, LLC to subdivide property known and designated as Lots 15 and 16 Block 67, designated as Lot 15 Block 67 on the tax rolls of the Borough of Ship Bottom; 105 E. 16th Street, Ship Bottom, New Jersey into two (2) parcels for the construction of single family dwellings; and for variances to permit a lot with dimensions of 40' x 115.72' feet irregular with a lot area of 4,829.4 square feet and a lot with dimensions of 40' x 90 ' feet irregular with a lot area of 3,600 square feet be and hereby is denied.

Adopted: August 17, 2016
Moved By: Huelsenbeck
Seconded By: Basile
Roll Call Vote: Huelsenbeck, Basile, Bishop and Butkus all aye.

ADJOURNMENT:

On a motion by Mayor Huelsenbeck seconded by Mr. Basile and an all aye vote, the meeting was adjourned.

Respectfully submitted,

DANIELLE MEZZINA, SECRETARY
LAND USE REVIEW BOARD