

**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 7:03 p.m. He informed all those present that this meeting met all the criteria of the Open Public Meetings Act.

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

Also in attendance were the Board Attorney, Stuart D. Snyder, Esq., the Board Engineer/Planner, Douglas Klee of Owen, Little and Associates and the Board Secretary, Danielle Mezzina.

**CORRESPONDENCE:**

There was no correspondence this month.

**MINUTES:**

The minutes of the August 17, 2016 meeting were presented to the Board for review. A correction was made in the roll call of members present section of the minutes. Mr. Cooper made a motion to approve the minutes with the change to the roll call of members present, Councilman English seconded the motion. Roll call vote: English, Copper, Dixon, Bishop, Tallon and Butkus all aye to approve.

**NEW BUSINESS:**

- (A) DOCKET NO. 16:08  
COLLURA, ANTHONY  
130 E. 22<sup>ND</sup> STREET  
BLOCK 37, LOT 5

Joseph Primiano, licensed professional architect, representing the applicants.

Linda Collura, sworn in as the applicant.

Douglas Klee sworn in as Board Professional Planner and Engineer

The following were marked into evidence by Mr. Snyder:

- A-1 Application
- A-2 Survey dated 2/5/2014
- A-3 2-sheets of Architectural plans
- A-4 Photograph facing east
- A-5 Photograph showing neighbors to the west
- A-6 Proposed expansion photo
- B-1 Review letter prepared by Owen, Little & Associates
- J-1 Resolution 2014:09V

Mr. Primiano explains that the applicant was before the Board in 2014 to enclose an outside desk. The applicant is looking to expand the landing on the front of the residence, 5ft from the house and 23ft wide. The front yard setback will be at 12.18ft where 15ft is required. A waiver from the sidewalk requirement is requested.

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

A motion to approve this application was made by Mr. Cooper and seconded by Councilman English. Roll call vote: English, Cooper, Dixon, Bishop, Tallon and Butkus all aye to approve.

**RESOLUTION:**

- (A) DOCKET NO. 16:07  
SHORE PROSPECTS, LLC  
101-107 W. 9<sup>TH</sup> STREET  
BLOCK 105, LOT 1.01

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. 2016-07 SP/V**

**WHEREAS**, Shore Prospects, LLC has made application to the Land Use Review Board of the Borough of Ship Bottom for preliminary and final site plan approval together with variances to permit the construction of two (2) three (3) story buildings joined by a courtyard and pool area. Each building will contain twelve (12) apartment units for a total of 24 apartment units at the property located at 101 – 107 West 9<sup>th</sup> Street, Lot 1.01 Block 105; 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 August 17, 2016. Arnold Lakind, Esq. of the law firm Szaferman Lakind Blumstein & Blader, PC represented the applicant. The application dated August 9, 2016 replacing the application dated July 13, 2016 was entered into evidence as Exhibit A-1; the plan titled “Borough of Ship Bottom, Ocean County, New Jersey Application for Preliminary & Final Major Site Plan Approval for Arlington Beach Club Block 105, Lot 1.01 – 101-107 West 9<sup>th</sup> Street” containing ten (10) sheets, prepared by Endicott Engineering, under signature and seal of Charles E. Endicott, dated July 12, 2016 with a final revision date of August 8, 2016; Architectural Renderings, Sheet A-1 containing proposed elevations, and Sheet A-2 containing layout plans of the units and enclosed parking and floor plans of the individual units, titled ”Arlington Beach Club”, prepared by Coastal Design, Jeffrey F. Wells, AIA was entered into evidence as Exhibit A-3; Storm Management Plan for Arlington Beach Club Residential Apartments, dated July 2016 prepared by Endicott engineering under signature and seal of Charles E. Endicott, PE was entered into evidence as Exhibit A-4; a color rendering together with aerial photographs prepared by Coastal Design, Jeffrey F. Wells AIA, referenced as Sheet A-3 Site Context was entered into evidence as Exhibit A-5; a color architectural rendering of the proposed building prepared by Coastal Design, Jeffrey F. Wells, AIA, referenced as Sheet A-4 titled Images, was entered into evidence as Exhibit A-6. The review letter of Owen Little and Associates, Inc. dated August 11, 2016 was entered into evidence as Exhibit B-1. Testimony was offered by Jeffrey F. Wells, applicant’s architect; Charles E. Endicott applicants Engineer and Professional Planner; Nicholas Garafolo, the managing member of applicant. There was not any public comment offered; 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 site is located in the GC-General Commercial Zone; it was previously developed with a Gas Station which has been demolished; all of the underground tanks have been removed and the site has been remediated..

3. Applicant, under the auspices of Causeway Partners, LLC, previously was granted approval to develop the site with an office building and pad sites for the erection and display of model homes for a modular home enterprise under Resolution of Memorialization Docket Number 2011-05SP/V adopted on August 17, 2011.
4. Applicant did not develop the site under that approval. It is before the Board with plans to develop the site with 24 apartment units, to be constructed in two (2) buildings, each with three (3) stories and containing 12 units; four on each floor. The proposed apartments will have two and three bedrooms, and the buildings will be joined by a courtyard and pool area, as set forth on the submitted plans.
5. The Borough of Ship Bottom adopted Ordinance 2016-16 amending and supplementing Chapter 16.48 of title 16 of the Borough Code; which ordinance omitted and replaced Subparagraph 10 decreasing the permitted density of townhouse and apartment units in the GC Zone from 24 units to sixteen units per acre or fraction thereof. Ordinance 2016-16 was adopted and effective on July 16, 2016. Applicant had filed a complete application for Development on July 14, 2016; that application referenced thirty (30) proposed apartment units and four (4) stories; applicant thereafter, and prior to the public hearing; on August 11, 2016 amended its application to provide for 24 units, together with three (3) stories. In accordance with NJSA 40:55D-10.5, the "time of application rule" the Board finds that applicant may proceed under Ordinance 16.48.010(1) of Chapter 16.48 of the Borough of Ship Bottom Code, prior to its amendment under Ordinance 2016.16; whereupon the proposed density of 24 units does not require variance relief.
6. The site is surrounded by 9<sup>th</sup> Street to the South, Long Beach Boulevard to the East; 8<sup>th</sup> Street to the North and Central Avenue to the West. Commercial uses surround the site.
7. In conjunction with the preliminary and final site plan approvals; applicant is requesting variance relief for a .25' foot setback from the corner of building #2 to the property line; and for 7.03' front yard setback from a covered deck to the property line; and
8. The development as proposed will conform to the 40' foot height requirement in the GC Zone.
9. The buildings as proposed are aesthetically pleasing. The building will be fire rated; there are not any roof top decks proposed; the mechanical units will be roof mounted behind a roof façade as shown on the plans submitted.
10. The construction will conform to all FEMA requirements and meet the required BFE.
11. A common courtyard between the buildings is proposed and there will be a swimming pool located therein. The courtyard will be accessible by an opening on the easterly side of the property.
12. Twenty four (24) parking stalls are proposed under the building; and there will be storage units and a changing area in that area. Thirty two (32) exterior parking spaces made of porous pavement are also proposed; meeting the requirements of the ordinance.
13. The lot contains 45,500 square feet, over one acre of lot area. The property is surrounded by four streets, whereupon there are four (4) front yards; each requiring a 20 foot setback.
14. The distance from the lot line to the curb on the easterly side of the property is 65 feet; whereupon the requested variance from the corner of the building to the lot line of .25 feet, encompasses small portion of the structure, and enjoys a substantial setback from the curb line, the Board finds it inconsequential notwithstanding the three (3') inch distance proposed.
15. The development is proposed upon the center of the property; the lot maintains 200 feet of frontage on Central Avenue; and tapers towards Long Beach Boulevard.
16. The plan reflects 56 parking spaces, with 12 of the spaces being stacked. Applicant proposes to add an additional handicap accessible parking space, providing a total of three (3) such spaces.

17. The submitted plan proposes 76% impervious coverage and 27.5% building coverage, in compliance with Borough Ordinances.
18. The Board suggested that the stacked parking at the site should be reconsidered, and if the driveway was extended the parking spaces could be provided without stacking. Applicant will eliminate six (6) of the stacked spaces and reconfigure for single spaces.
19. The access and egress is proposed on Central Avenue and 9<sup>th</sup> Street; it was suggested by the Board that the access from 9<sup>th</sup> Street could be reconfigured by changing the angle of the driveway, as a safer means of access. Applicant shall revise its plans and submit same for Board engineer approval.
20. Applicant proposes sidewalks along all four streets fronting the project; with existing sidewalks to be replaced or repaired, to be brought up to current code requirements.
21. Lighting will consist of low intensity lighting on the site; with decorative lighting on the building; a full lighting detail will be provided by applicant;. Lighting shall be for safety purposes, and will be designed to eliminate intrusion into surrounding areas, and not to impact upon the traffic surrounding the site. The lighting will be downward facing and will not create a night glare; or impede the traffic and will not interfere with the properties surrounding the site.
22. Applicant proposes to connect to the existing water and sewer system; the Borough is under a water use restriction, whereupon the infrastructure may require improvement and upgrades to accommodate the use proposed by applicant. Applicant has offered and agreed, as a condition of approval, to pay the pro-rata share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located off-tract but necessitated or required by the construction or improvements proposed herein, twenty four (24) living units.
23. The property has been under a protocol of remediation as mandated by the New Jersey Department of Environmental Protection; applicant is awaiting receipt of a No Further Action letter from that entity.
24. Applicant will submit the plans to the Ship Bottom Water and Sewer Department for its approval, and attend to any changes or modifications required from that entity; and will submit the plans to the Ship Bottom Fire department for approval; and will make those modifications and changes as may be required to satisfy any and all fire safety concerns of the Department.
25. Applicant will comply with the New Jersey Department of Environmental Protection and the Borough of Ship Bottom drainage requirements associated with the development of the site. Applicants engineer proffers that the completion of the proposed project will reduce runoff at the site.
26. Applicant will provide a comprehensive landscape plan, specifically addressing the areas in front of the parking; to be approved by the Board engineer.
27. Applicant will comply with all requirements of the Department of Transportation, and comply with the Borough of Ship Bottom Site Triangle requirements.
28. The Board adopts the contents of the August 11, 2016 letter of Frank J. Little, Jr., entered into evidence as exhibit B-1, in its entirety as if set forth herein at length.
29. The site triangles will be maintained. Applicant will revise its plan to eliminate any signage from the site triangle. All plantings will be maintained not to interfere with the site triangle.
30. The proposed use is permitted bu Ordinance, and will generate less traffic than other permitted uses in the zone, restaurant, retail and fast food facilities.
31. Any signage on the site shall be comply with Borough Ordinances, and shall not encroach into any site triangles.
32. All construction at the site will comply with FEMA requirements; and

**WHEREAS**, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, Shore Prospects, LLC for preliminary and final site plan approval together with variances, to permit a setback of .25 feet from a building corner; and a setback of 7.03' feet to a covered porch in conjunction with the construction of two (2) three (3) story buildings joined by a courtyard and pool area; each building containing twelve (12) apartment units, four on each floor, for a total of 24 apartment units at the property located at 101 – 107 West 9th Street, Lot 1.01 Block 105; 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 use proposed is permitted, will create a desirable visual impact upon the entranceway to the Borough, creates an appropriate usage of the property; the variance requests are insignificant taking into account the distance from the property line to the curb line of more than 60 feet, and the areas affected are minimal taking into account the conforming nature of the proposed development, but at the two variance locations; the buffers are such that there will not be any negative impact as a result of the variance relief requested. Applicant shall attend to all drainage requirement, grade and seed the property and will comply with the revisions as set forth hereinabove. Applicant has also proposed, as a condition of approval, to pay the pro-rata share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located off-tract but necessitated or required by the construction or improvements proposed herein, twenty four (24) living units.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Review Board of the Borough of Ship Bottom that the application of Shore Prospects, LLC for preliminary and final site plan approval together with variances, to permit a setback of .25 feet from a building corner; and a setback of 7.03' feet to a covered porch in conjunction with the construction of two (2) three (3) story buildings joined by a courtyard and pool area; each building containing twelve (12) apartment units, four on each floor, for a total of 24 apartment units at the property located at 101 – 107 West 9th Street, Lot 1.01 Block 105; in the Borough of Ship Bottom, County of Ocean and State of New Jersey, , in accordance with the plans submitted, and to be revised as hereinafter set forth, 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 August 11, 2016, 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 this approval is subject to applicant submitting revised plans eliminating the stacked parking and relocating those spaces; providing all site triangles; modifying the ingress onto 9<sup>th</sup> Street; adding an additional handicap accessible parking space, to total three (3) such spaces at the site. Said plan shall be subject to the approval of the Board engineer. The revised plans may provide for impervious coverage of 85% to accommodate the revised parking layout. Applicant shall provide a landscape plan, specifically addressing those areas in front of the parking, applicant providing a lighting plan to be approved by the Board engineer.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon , Applicant paying the pro-rata share of the costs of providing reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located off-tract but necessitated or required by the construction of improvements proposed herein, twenty four (24) living units. Payment of same shall be a condition of permitting for this project; or at the discretion of the Board Engineer, if the costs are not ascertainable, payment shall be a condition precedent to the issuance of the certificate of occupancy.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon any 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 affecting this property. All signage shall conform to Borough Ordinance requirements.

**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 matter; including but not limited to New Jersey Department of Transportation; Ocean County Soil Conservation; and Ocean Count Planning Board.

**BE IT FURTHER RESOLVED** that this approval is also subject to approval from the Ship Bottom Water and Water Department and the Ship Bottom Fire Company; and applicants compliance with all modifications to the plans as imposed by those bodies.

**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 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 August 17, 2016 when this matter was considered.

**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; including but not limited to bonding for curbing that may be required by the New Jersey Department of Transportation. 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.

**Adopted: September 21, 2016**  
**Moved By: English**  
**Seconded By: Cooper**  
**Roll Call Vote: English, Cooper, Dixon, Bishop, Tallon and Butkus all aye.**

**ADJOURNMENT:**

On a motion by Councilman English seconded by Mr. Cooper and an all aye vote, the meeting was adjourned.

Respectfully submitted,

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**DANIELLE MEZZINA, SECRETARY**  
**LAND USE REVIEW BOARD**