

**REORGANIZATION MEETING
JANUARY 16, 2019**

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 16, 2019.

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:

Mayor William Huelsenbeck
Councilman Edward English
Councilman Robert Butkus
James Bishop
Victor Basile
John Hay
William Fenimore

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

Chairman Cooper took over the meeting.

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

All in Favor Vote: Councilman Butkus, Councilman English, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon and Chairman Cooper, all aye.

Chairman Cooper asked for nominations for Land Use Review Board Secretary and Alternate Review Board Secretary. On a motion by Councilman English, seconded by Mr. Hay, Sara Gresko was nominated as Secretary of the Board and Kathleen Wells nominated as Alternate Land Use Review Board Secretary. There were no other nominations.

All in Favor Vote: Councilman Butkus, Councilman English, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, all aye.

Chairman Cooper asked for a motion to appoint a Board Attorney, Conflict Board Attorney and Board Engineer and Planner. On a motion by Councilman English, seconded by Mr. Hay, Stuart Snyder, Esq. was appointed as Board Attorney, Kevin Quinlan, Esq. and Robert Shinn, Esq. were appointed as Conflict Board Attorneys. Frank Little, of Owen, Little and Associates, Inc. was appointed as Board Engineer and Planner.

All in Favor Vote: Councilman Butkus, Councilman English, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, all aye.

REORGANIZATION RESOLUTION:

Chairman Cooper called for Resolution 2019-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 2019
2019-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 16, 2019 (Reorganization and Regular Meeting)
Wednesday, February 20, 2019
Wednesday, March 20, 2019
Wednesday, April 17, 2019
Wednesday, May 15, 2019
Wednesday, June 19, 2019
Wednesday, July 17, 2019
Wednesday, August 21, 2019
Wednesday, September 18, 2019
Wednesday, October 16, 2019
Wednesday, November 20, 2019
Wednesday, December 18, 2019
Wednesday, January 15, 2020 (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 2020.

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

SYNOPSIS OF VARIANCE APPLICATION FOR 2018

ANNUAL REPORT SYNOPSIS OF VARIANCE APPLICATIONS FOR 2018

DOCKET NO. 18:01

MR-JAK LLC

1819 BARNEGAT AVENUE

BLOCK 53, LOT 1

Applicant seeks to demolish existing single-family dwelling and construct a new single-family home.

Lot area, lot depth, front yard setback, side yard setback, building coverage.

Approved: 2/21/2018

DOCKET NO. 18:02

ALBERT WATSULA

209 WEST 27TH STREET

BLOCK 10, LOT 12

Requesting to install a circular stairway to the decks at the rear of the property to enhance the exit (safety) premises.

Lot area and side yard setback.

Approved: 4/18/2018

DOCKET NO. 18:03

KAREN DRUCKER, JAMES BAKA

110 WEST 27TH STREET

BLOCK 15, LOT 5

Proposing to raise, renovate, and expand existing dwelling. The dwelling will be converted from a two-family dwelling to a single-family dwelling.

Lot depth, building coverage, front yard setback, rear yard setback, side yard setback, accessory building and building height.

Approved: 4/18/2018

DOCKET NO. 18:04

1809 LONG BEACH BLVD., LLC.

1809 & 1815 LONG BEACH BLVD.

BLOCK 15, LOT 5

Requesting to construct, open and operate a bagel café in the condominium unit on Lot 1CA and use adjoining lot for outdoor seating and parking for café customers.

Front yard setback and rear yard setback.

Approved: 5/16/18

DOCKET NO. 18:05

701 CENTRAL AVE., LLC.

701 CENTRAL AVENUE

BLOCK 109, LOT 1.01

Requesting to construct a 4,730 square-foot office building and attached 1,060 square-foot restaurant with outdoor seating.

Off street loading space.

Approved: 5/16/18

DOCKET NO. 18:06

BARRY & VALERIE LAYNE

328 WEST 17TH STREET

BLOCK 60, LOT 9

Requesting to demolish existing dwelling and construct a new two-story single family dwelling.

Undersized lot- side yard setback and building height.

Approved: 10/17/2018

DOCKET NO. 18:07

MARIA DAVLOUROS

102 MEAST 4TH STREET

BLOCK 130, LOT 12

Requesting to demolish existing dwelling and construct a new two-story single family dwelling.

Undersized lot- Lot area, side yard setback and building height.

Approved: 6/20/2018

DOCKET NO. 18:08

MICHAEL KORENKIEWICZ

411 OCEAN AVENUE

BLOCK 130, LOT 2.01

Requesting to demolish existing dwelling and construct a new two-story single family dwelling.

Undersized lot- Front yard setback

Approved: 6/20/2018

DOCKET NO. 18:09

MICHAEL & KATHLEEN BOWE

240 WEST 22ND STREET

BLOCK 35, LOT 13

Requesting to demolish existing dwelling and construct a new two-story single family dwelling.

Front yard setback.

Approved: 8/15/2018

DOCKET NO. 18:10

PETER & CARA STROFFOLINO

114 EAST 19TH STREET

BLOCK 46, LOT 7.01, 7.02, 7.03

Requesting lot coverage, imperious coverage and special use variance as the proposal structure is part of a multi-residential use not allowed in the R-3 zone.

Bulk variances- Lot area, lot frontage, lot width, front yard setback, side yard setback and lot coverage.

Approved: 8/15/2018

DOCKET NO. 18:11

FRANCESCO DIMEGLIO & CAROL ANN DIMEGLIO

222 WEST 21ST STREET

BLOCK 40, LOT 12

Requesting to expand front yard deck.

Front yard setback, side yard setback, accessory building setback and building coverage.

Approved: 9/19/2018

DOCKET NO. 18:12
LBI PARTNERS INC.
1001 BARNEGET AVENUE
BLOCK 93, LOT 2
Subdivision into two (2) conforming lots.
Approved: 9/19/2018

DOCKET NO: 18:13
THE BALDWIN RESIDENCE, LLC
338-380 WEST 8TH STREET
BLOCK 103, LOT 3 & 6
Requesting to amend the site plan to include a tent and food truck on the roof, shuttle pathways and salon/spa.
****Food truck & salon/spa and shuttles and roof tent approved different times.**
Approved: 11/19/2018 (food truck & spa), 12/19/18 (roof tent & shuttle parking)

DOCKET NO: 18:14
ANTONIO MANFREDONIA
111 EAST 19TH STREET
BLOCK 56, LOT 17
Requesting to demolish existing dwelling and construct a new two-story single family dwelling.
Undersized lot- Lot frontage, lot width, lot area, side yard setback and building coverage.
Approved: 11/19/2018

DOCKET NO: 18:15
ANTHONY & JOHN DIOGARDI
200 WEST 17TH STREET
BLOCK 59, LOT 7
Requesting to demolish existing dwelling and construct a new two-story single family dwelling.
Undersized lot- lot area, lot width and front yard setback.
Approved: 11/19/2018

DOCKET NO. 18:16
PAUL & RENE HORVATH
226 WEST 7TH STREET
BLOCK 109, LOT 6
Requesting to remove and relocate the existing staircase leading up to the existing second story deck in the rear of the property.
Side yard setback and building coverage.
Approved: 12/19/2018

DOCKET NO: 18:17
KAI PROPERTY ONE, LLC
1518 LPNG BEACH BLVD.
BLOCK 67, LOT 14
Representing the applicants requesting to reconstruct a three-story commercial office on the property.
Undersized lot- Front yard setback, side yard setback and parking.
Approved: 12/19/2018

DOCKET NO. 18:18
TIMOTHY DUFFY
135 EAST 20TH STREET
BLOCK 46, LOT 1
Resting to construct a second floor addition to the portion of the house that is situate over the building line.
Existing variances- Front yard setback, side yard setback, rear yard setback, lot coverage,

parking and accessory structure.

Carried to 2019

On a motion by Mr. Hay, seconded by Ms. Schmidt, the 2018 Annual Synopsis was approved and will be forwarded to the governing body.

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

WORKSHOP MEETING:

Chairman Cooper stated the following:

The workshop meeting of the Ship Bottom Land Use Review Board is now open. The time is 7:13 P.M. and the date is January 16, 2019. Upon completion of the Work Shop Meeting the regular meeting will convene. Both meetings meet all the criteria of the Open Public Meetings Act.

On a motion by Councilman English, seconded by Vice Chairman Tallon and all in favor vote, all aye, the workshop meeting was closed.

REGULAR MEETING:

Chairman Cooper opened the Regular meeting at 7:14 P.M.

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 7:13 P.M. and the date is January 16, 2019. The time, date and location of this meeting is listed in Resolution 2018-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 February 20, 2019.

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: Councilman Butkus, Councilman English, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Mr. Yankowski, Vice Chairman Tallon and Chairman Cooper, present.

CORRESPONDENCE:

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

MINUTES:

The minutes of the December 19, 2018 meeting were presented to the Board. On a motion by Mr. Bishop, seconded by Ms. Schmidt, the minutes were approved as submitted.

Roll Call Vote: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Mr. Yankowski and Chairman Cooper, all aye.

OLD BUSINESS:

Councilman English and Councilman Butkus recused themselves from the meeting at 7:17 P.M. due to the nature of the application. Mr. Dixon recused himself from the meeting due to conflict with the applicant.

A. DOCKET NO. 17:10
DIANE-AMBERG BORSELLINO
136 E. 19TH STREET
BLOCK 46 LOT 2

Kathrine Shackleton Esq., representing the applicant, requesting to appeal the Construction Official's decision, change use from duplex to single family dwelling and to raise the dwelling. This application has been carried from the previous meeting.

Ms. Shackleton asked for the following documents to be recorded as evidence. The following were marked into evidence by Mr. Snyder:

A-5 CAFRA Report, presented by
A-6 Elevation Certificate
A-7 Structural Inspection, prepared by
A-8 Ship Bottom February council minutes, pages 37 and 38
A-9 Ship Bottom March council minutes, pages 53 and 54

James Brzozowski, Engineer and Planner of Horn, Tyson and Michael Pagnotta, licensed Architect were sworn in for testimony.

Mr. Little had questions regarding the flood elevation certificate.

Board members questioned the percentage of the dwelling is east of the building line.

Mr. Brzozowski and Mr. Pagnotta calculated ~60%.

Discussion between the board and Ms. Shackleton ensued.

The application was put on hold while Ms. Shackleton consulted with her client.

Chairman Cooper called for a break at 8:17 P.M.

NEW BUSINESS:

Chairman Cooper resumed the meeting at 8:22 P.M.

Councilman English, Councilman Butkus and Mr. Dixon returned to the meeting at 8:22 P.M.

A. DOCKET NO. 19:01
STEPHEN & MEGAN SHUHET
106 E. 27TH STREET
BLOCK 20 LOT 11.01

James S. Raban Esq., of Raban & Raban, LLC representing the applicants, requesting to demolish existing single-family dwelling and construct a new single-family dwelling.

The following were marked into evidence by Mr. Snyder:

A-1 The application
A-2 Boundary & Topographic Survey, prepared by Morgan Engineering & Surveying
A-3 Building Permit Plot Plan, prepared by Morgan Engineering & Surveying
A-4 Architectural Plans, two (2) sheets, prepared by Peterson Associates
B-1 Review letter prepared by Owen, Little & Associates
B-2 Colorized Photo of current dwelling

Michael D. Kauker, professional planner sworn into testimony.

Megan Shuhet, applicant, sworn in for testimony.

On a motion made by Mr. Hay, seconded by Vice Chairman Tallon, and all in favor vote, all aye, the public portion was open.

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

Chairman Cooper called for a break at 9:15 P.M.

Chairman Cooper resumed the meeting at 9:20 P.M.

The board reviewed the plans and advised to revise them and carry the application.

Mr. Raban and the applicant agreed to revise the plans and carry the application to next month's meeting.

A motion to carry this application was made by Mr. Hay and seconded by Councilman English. No further notice will be published.

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

B. DOCKET NO. 19:02
RONALD CARLSON
345 W. 4TH STREET
BLOCK 136 LOT 9

James S. Raban Esq., of Raban & Raban, LLC representing the applicants, requesting an expansion to the detached garage and connect to the residential dwelling.

The following were marked into evidence by Mr. Snyder:

A-1 The application
A-2 Variance Plan, prepared by, Nelke/Tyszka Land Surveyors, LLC
A-3 Architectural Plans, prepared by Ronald Carlson, Applicant
B-1 Review letter prepared by Owen, Little & Associates

Leon Tyszka, professional land surveyor and Ronald Carlson, applicant sworn into testimony.

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

Not recognizing anyone from the public, on a motion made by Mr. Dixon, seconded by Mr. Hay and all in favor vote, all aye, 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 Mr. Hay and seconded by Councilman English, with the condition to replace sink with a bar sink, remove dish washer, replace refrigerator with under the counter refrigerator and add a deed restriction for single family use only.

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

Councilman English and Councilman Butkus recused themselves from the meeting at 9:46 P.M. due to the nature of the resolution and continuation of the Borsellino application.

RESOLUTION:

A. DOCKET NO. 18:13

THE BALDWIN RESIDENCE, LLC
 338-380 W. 8TH STREET
 BLOCK 103 LOTS 3 & 6

A motion to approve this resolution was made by Ms. Schmidt and seconded by Mr. Bishop. It is 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. 2018:13B 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 eliminate three (3) hotel rooms from the 105 hotel rooms previously approved, to permit an interior redesign to include a spa and salon for guest and public use; to permit the installation of a temporary tent upon the rooftop to enclose an area used in conjunction with receptions and events; to permit the placement of a “food truck” on the rooftop terrace for preparation and service of lite fare in conjunction with receptions and events; and to permit the use and storage of electric motor vehicle shuttles to transport hotel guests to and from the beach; subject to the terms of Section 5.40.090 of the Ship Bottom Municipal Code. All previously approved variances and site plan and development conditions, not modified herein shall continue in full force and effect; and

WHEREAS, the Land Use Review Board initially considered this application on October 17, 2018 and approved that portion of the application permitting the elimination of three (3) guest rooms and interior redesign to include a spa and salon for guest and public use; and to permit the placement of a “food truck” on the rooftop terrace for preparation of and service of lite fare in conjunction with receptions and events; as memorialized by the Board on November 19, 2019 under Resolution of Memorialization 2018:13A SP/V; and

WHEREAS, a site visit for the Board members was conducted on December 8, 2018 upon statutory notice; and the matter was scheduled to be heard at the December 19, 2018 public meeting of the Land Use Board for consideration of applicant’s request to permit the installation of the rooftop temporary tent; and

WHEREAS, this matter was again considered at a public hearing conducted on December 19, 2019; the applicant was represented by James S. Raban, Esq. Applicant withdrew its request for the Land Use Board to approve the use of electric shuttle buses for transporting its guests. The Board approved the parking of two (2) Shuttle Buses on the site. Any additional approvals regarding the Shuttle Buses will be the basis of an additional application to the Municipality or Board, depending upon jurisdiction; and be subject to all New Jersey Statutes, rules and regulations, including but not limited to New Jersey Motor Vehicle Laws. A plan titled “Hotel LBI Lot 6 Block 103 Ship Bottom Borough Ocean County, New Jersey Floor and Roof Heights,” dated 11/6/18 designated Sheet SK-1 prepared by Craig W. Brearley A.I.A. Architect, was entered into evidence as Exhibit A-10; a document under heading of LOSBERGER, the manufacturer of the proposed tent, referencing Uniflex P3 Frame Structure 10m x 32.5m & 2.8m Leg; Structural Evaluation was entered into evidence as Exhibit A-11. Testimony was offered by Christopher Vernon, member of applicant. Public comment was offered by Robert Barnett and Joseph P. Mayo, III, 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 reconfirms all provisions, approvals and conditions set forth in Resolution of Memorialization 2018-13ASP/V adopted by the Board on November 19, 2018, as if set forth herein at length.
4. The Board members has an opportunity to visit the site and observe the area intended to be tented.

5. The Board was provided with the manufacturer's structural evaluation of the proposed tent. The Board is not qualified to address said report. Applicant has testified that all structural requirements from the manufacturer, State of New Jersey and all codes will be complied with in the installation and maintenance of the tent.
6. Applicant offered testimony that the tent may be taken down within two (2) hours; and upon notification of dangerous weather conditions, applicant will have the tent removed to eliminate risk to surrounding properties and traffic.
7. The side flaps can be installed and removed, as necessary within thirty (30) minutes.
8. The tent is intended to be a temporary structure used for six (6) month term from April until November. Applicant will have the tent removed not later than the first week in November in any year, and shall not erect the tent prior to April 1 of any year.
9. Applicant agrees to be solely responsible for the structural integrity of the tent and maintenance of same. Furthermore, if weather conditions exceed or are forecasted to exceed the limitations of the manufacturer or building and safety codes; applicant shall have the tent taken down immediately; applicant also agreed to indemnify and save the Borough of Ship Bottom harmless in the event of any claims or damages caused by the tent.
10. Notwithstanding the testimony at the October 17, 2018 meeting the height of the peak of the tent at its center shall not exceed 50.7 ¼ feet; and shall not be higher than 10.8 ¼ feet from the top of the roof deck; the tent sides shall not exceed 48.11 feet in height; and shall not be higher than 7.3 13/16 feet from the top of the roof deck. The peak height at the center of the tent is lower than the maximum height of the elevator/stair towers.
11. The tent will be partially visible when approaching Long Beach Island from the Causeway Bridge.
12. Applicant also confirmed that there will not be any amplified noise on the roof deck; and that the roof deck will be vacated by midnight.
13. The tent will be secured to the roof by permanent pipes constructed into the roof system;
14. The utilization of the temporary tent, as testified by applicant; should not have any negative impact upon the neighboring properties or Borough.
15. There will not be any amplified music at the deck; and the use of the roof feck will cease at midnight.
16. The Board is not making any finding regarding the use of electric shuttles or other transport of applicants' employees or guests. Applicant has withdrawn that portion of its application; 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 further amend the approvals set forth in Resolution 2017:01 to permit the erection of a temporary tent upon the roof deck in accordance with the testimony provided to the Board on October 17, 2018 and December 19, 2018, at a height not to exceed 10.8 ¼ feet from the top of the roof deck; to be erected only from April 1 to not later than the first week in November; upon Applicants' responsibility to assure compliance with all codes and manufacturer limitations regarding weather and other natural conditions, whereupon applicant will remove the structure in the event of extreme weather conditions or forecasts of same; without any amplified music upon the deck and the roof deck being vacated by midnight, 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, 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 temporary tent will complement the hotel and banquet uses and there should not be any negative impact upon the development or upon the adjoining properties. The requirements and conditions of all prior approvals for the development of this property not amended herein will continue in full force and effect, including but not limited to Resolution of Memorialization 2018-13ASP/V.

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 further amend the approvals set forth in Resolution 2017-01 to permit the erection of a temporary tent upon the roof deck in accordance with the testimony provided to the Board on October 17, 2018 and December 19, 2018, at a height not to exceed 10.8 ¼ feet from the top of the roof deck; to be erected only from April 1 to not later than the first week in November; upon Applicants' responsibility to assure compliance with all codes and manufacturer limitations regarding weather and other natural conditions, whereupon applicant will remove the structure in the event of extreme weather conditions or forecasts of same; without any amplified music upon the deck and the roof deck being vacated by midnight, 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, 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 September 13, 2018, 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 all conditions and matters set forth prior approvals of this Board for the development of the property not modified herein be and hereby shall remain in full force and affect.

BE IT FURTHER RESOLVED that applicant's requests to provide shuttle service and maintenance of shuttle vehicles at the site have been withdrawn.

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; as may be required.

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 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 approvals is subject to Applicant adhering to all structural requirements from the manufacturer, State of New Jersey and all codes pertaining to the installation and maintenance of the tent; upon notification of dangerous weather conditions, Applicant shall have the tent removed to eliminate risk to surrounding properties and traffic. Applicant will have the tent removed not later than the first week in November in any year, and shall not erect the tent prior to April 1 of any year. Applicant is solely responsible for the structural integrity of the tent and maintenance of same. In the event weather conditions exceed or are forecasted to exceed the limitations of the manufacturer or building and safety codes; Applicant shall have the tent taken down immediately;

BE IT FURTHER RESOLVED that Applicant shall indemnify and save the Borough of Ship Bottom harmless in the event of any claims or damages caused by the tent.

BE IT FURTHER RESOLVED that the height of the peak of the tent at its center shall not exceed 50.7 ¼ feet; and shall not be higher than 10.8 ¼ feet from the top of the roof deck; the tent sides shall not exceed 48.11 feet in height; and shall not be higher than 7.3 13/16 feet from the top of the roof deck.

BE IT FURTHER RESOLVED that there will not be any amplified noise on the

roof deck; and that the roof deck shall be vacated by midnight.

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 October 17, 2018 and December 19, 2018 when this matter was considered.

BE IT FURTHER RESOLVED that applicant shall comply with all terms and conditions set forth in Resolution 2017-01 SP/V and Resolution of Memorialization 2018-13A SP/V except those conditions and approvals as modified herein.

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

OLD BUSINESS:

Mr. Dixon recused himself the meeting at 9:49 P.M for the duration of the Borsellino application.

Ms. Shackleton and the applicant returned to the meeting.
Board members raised concerns regarding construction of the dwelling.

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

Egon Willy Kahl, 134 E. 20th St. and Michael Miskiv, 127 E 20th St. oppose the application.

David Hodluik, 121 E. 19th St., objects to the northern movement of the dwelling. MS. Shackleton clarified that the dwelling would not move northerly.

Dan Erni, 128 E 19th St., addresses his concerns with the proposed height and parking.

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

Discussion between the board and Ms. Shackleton ensued.

The board advised the applicant to draw revised plans for the next meeting.

A motion to carry this application was made by Vice Chairman Tallon and seconded by Mr. Bishop. All time constraints waived.

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

ADJOURNMENT:

On a motion by Schmidt seconded by Mr. Fenimore and an all aye vote, Chairman Cooper adjourned the meeting at 10: 35 P.M.

Sara Gresko, Secretary
Land Use Review Board