

**REORGANIZATION MEETING
JANUARY 17, 2018**

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 17, 2018.

REORGANIZATION MEETING:

The Reorganization Meeting was opened at 7:00 p.m. by Kevin Quinlan, Esq., who announced to all present that the requirements of the Open Public Meetings Act had been satisfied.

Mr. Quinlan explained to the public that we would proceed with the Land Use Review Board Reorganization prior to the Workshop and Regular meeting.

Mr. Quinlan explained that Councilman Butkus would be a member of the Land Use Review Board as the Mayor's designee.

Mr. Quinlan administered the Oath of Office to the following members of the Board:

Councilman Edward English
Councilman Robert Butkus
James Bishop
Samuel Dixon
Joanne Tallon
Sara Gresko, Secretary

Mr. Quinlan asked for a roll call of members. The following were present:
Councilman Butkus, Councilman English, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon, Chairman Cooper.

Mr. Quinlan 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, Chairman Cooper, all aye.

Chairman Cooper asked for nominations for Vice Chairman. On a motion by Councilman English, seconded by Mr. Basile, 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, Chairman Cooper, all aye.

Chairman Cooper asked for nominations for Land Use Review Board Secretary. On a motion by Councilman English, seconded by Councilman Butkus, Sara Gresko was nominated as Secretary 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, Mr. Fenimore, Vice Chairman Tallon, Chairman Cooper, all aye.

Chairman Cooper asked for nominations for Alternate Land Use Review Board Secretary. On a motion by Councilman Butkus, seconded by Councilman English, Kathleen Wells was nominated as Alternate Secretary 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, Mr. Fenimore, Vice Chairman Tallon, Chairman Cooper, all aye.

Chairman Cooper asked for a motion to appoint a Board Attorney. as the Board Attorney. On a motion by Councilman English, seconded by Mr. Basile, Stuart Snyder, Esq. was appointed.

All in Favor Vote: Councilman Butkus, Councilman English, Mr. Basile, Mr. Bishop, Mr.

Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon, Chairman Cooper, all aye.

Chairman Cooper asked for a motion to appoint a Conflict Board Attorney. On a motion by Councilman Butkus, seconded by Mr. Basile, Kevin Quinlan, Esq. was appointed.

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

Chairman Cooper asked for a motion to appoint a Board Engineer and Planner. On a motion by Councilman English, seconded by Basile, Frank Little, of Owen, Little and Associates, Inc. was appointed.

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

REORGANIZATION RESOLUTION:

Chairman Cooper called for Resolution 2018-A, Annual Meeting Notice. On a motion by Mr. Hay, seconded by Mr. Basile, 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 2018
2018-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 17 2018 (Reorganization and Regular Meeting)
Wednesday, February 21, 2018
Wednesday, March 21, 2018
Wednesday, April 18, 2018
Wednesday, May 16, 2018
Wednesday, June 20, 2018
Wednesday, July 18, 2018
Wednesday, August 15, 2018
Wednesday, September 19, 2018
Wednesday, October 17, 2018
Wednesday, November 21, 2018
Wednesday, December 19, 2018
Wednesday, January 16, 2019 (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, 2019.

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

On a motion by Councilman Butkus, seconded by Councilman English and an all-in favor vote, all aye, the Reorganization and Workshop meeting was closed.

REGULAR MEETING:

Chairman Cooper opened the Regular meeting at 7:13 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 17, 2018. 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 February 21, 2018.

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, Vice Chairman Tallon, Chairman Cooper. Mr. Panetta absent.

CORRESPONDENCE:

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

MINUTES:

The minutes of the December 20, 2017 meeting were presented to the Board. On a motion by Mr. Basile, seconded by Ms. Schmidt, the minutes were approved as submitted.

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

OLD BUSINESS: NONE

NEW BUSINESS:

- A. DOCKET NO. 18:01
MR-JAK LLC
1819 BARNEGAT AVENUE
BLOCK 53 LOT 1

James S. Raban Esq., of Raban & Raban, LLC representing the applicants.

The following were marked into evidence by Mr. Quinlan:

- A-1 The application
- A-2 Variance Plan prepared by Dante Guzzi Associates
- A-3 Architectural Plans, two (2) sheets, prepared by Michael Pagnotta, Architect
- B-1 Review letter prepared by Owen, Little & Associates

Mr. Raban presented the application requesting to demolish existing single family dwelling and construct a new single family dwelling.

Dante Guzzi, Engineer of Dante Guzzi Associates, provided testimony.

Board members had discussion regarding parking, curbing and site triangle issue.

Michael Pagnotta, Architect, sworn in for testimony.

Board members had questions regarding lot coverage.

Mr. Raban stated that applicant is willing to make modifications to the plans.

Keli Lynch, membership of MR-JAK, LLC sworn in for testimony.

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

James Kuchta, 1813 Barnegat Avenue, questions regarding the setback and height of the proposed building.

Herb Born, 1803 Barnegat Avenue, question regarding curb cut on Barnegat Avenue.

Robert Tangreti, 301 West 19th Street, concerns that proposed building is too large for size of lot.

Not recognizing anyone else from the public, on a motion made by Mr. Basile, seconded by Councilman Butkus 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 move the house two (2) feet south, have stairs narrowed to conform to 35% lot coverage, and a waiver on the site triangle.

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

RESOLUTION:

- A. DOCKET NO. 17:20
MICHAEL & PAMELA MELLOR
207 WEST 27TH STREET
BLOCK 10 LOT 13

A motion to approve this resolution was made by Mr. Hay and seconded by Mr. Basile. 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. 2017:20V**

WHEREAS, Michael Mellor and Pamela Mellor have made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit them to raise the existing two story single family home, relocate the house on the lot; and construct new stairs at the front; and a new decks and a spiral staircase in the rear, and an air conditioning platform in the rear at their property located at 207 W. 27th Street, Lot 13 Block 10 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 December 20, 2017. The applicant was represented by James S. Raban, Esq. The application dated November 29, 2017 was entered into evidence as Exhibit A-1; the plan prepared by Ramirez Engineering Consulting Civil Engineers titled "Boundary and Topographic Survey Project: Lot 13, Block 10 Tax Map Sheet 3, Borough of Ship Bottom, Ocean County, NJ" dated August 22, 2016 under signature and seal of John W. Lord P.E., P.L.S. was entered into evidence as Exhibit A-2; the plan prepared by Richard Peter Ramirez, LLC Consulting Civil Engineers titled "Plot Plan and Grading Plan Project: Michael Mellor Lot 13, Block 10 Tax Map Sheet 3 Ship Bottom, Ocean County, NJ" dated June 26, 2017, revised on October 16, 2017, under signature and seal of Richard P. Ramirez P.E. on November 27, 2017, was entered into evidence as Exhibit A-3; architectural plans prepared by Michael H. Strunk, Architect, L.L.C. dated October 5, 2017 titled "Mellor Residence 207 W. 27th Street, Lot 13 Block 10, Borough of Ship Bottom, Ocean County, NJ" consisting of Sheet A-1 Site Plan; Sheet A-2 Elevations and A-3 Floor Plans was entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated December 14, 2017 was entered into evidence as Exhibit B-1. Testimony was offered by the John W. Lord, PE PLS applicants engineer and surveyor; Michael H. Strunk, applicants' architect and Michael Mellon, applicant. There was not any public comment offered; and

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

1. All jurisdictional requirements have been met.
2. The applicant is the owner of the property, having acquired same in October 2016. The property is located in the R-2 Single Family District. The property consists of a lot with dimensions of 25' x 80' feet improved with a two story single family home. The adjoining properties are fully developed.
3. The existing house maintains a front yard setback of 7.8 feet. Since owning the property the house has been subject to flooding on two (2) occasions. Applicants propose to raise the house to meet current FEMA requirements and move the house towards the rear of the lot; creating a front yard setback of 19.8 feet to the house; with a front yard setback of 5.5 feet to the newly constructed front stairs. Applicant also is seeking relief to provide both first and second floor open decks at the rear of the house with a spiral staircase for exterior access; creating a rear yard setback of 15.3 feet. But for the decks and stairs, together with an air conditioning platform and grade enclosure to accommodate a garage and storage, applicant does not propose any modifications or additions to the existing house; which is a two story single family home with a roof deck.
4. The Board finds that by moving the house towards the rear of the lot, two (2) parking spaces will be created; one within the proposed garage at grade.
5. Applicants are further requesting variance relief for the existing conditions; lot width and frontage of 25 feet where 40 feet are required; lot area of 2,000 square feet, where 4,000 square feet are required; setbacks of 2.1 feet and 3.1 feet with combined side yard setbacks of 5.2 feet; and a first floor living area of 610 square feet. They also are requesting variance relief to permit building coverage of 42.3% which includes the air-conditioning platform; and for a height variance to permit the continuation of two stories of living space at a building height of 31 feet.
6. The property is in a Coastal A Flood Zone, requiring a minimum BFE of 10 feet (9' + 1') and taking into consideration the floor joists and bottom of the flooring system, a minimum BFE of 11.8' feet is proposed, which will result in a building height of 31 feet.

7. Applicants are requesting the rear decking as the house is modest in size, there are not any existing decks; and upon elevating the house the decks will provide additional outside living space. The decks will not have any negative impact upon adjoining properties.
8. Applicant will submit revised plans setting forth the setbacks as presented to the board, building coverage of 42.3% and a building height of 31 feet; and revising the proposed first floor elevation. Applicant has further agreed to provide curbing at the property with a 12 foot curb cut; the revised plans will reflect these improvements to the site.
9. The Board finds that there is not any additional property available for applicant's acquisition to expand the lot width, depth and lot area.
10. The Board adopts the contents of the Review letter of Frank J. Little, PE, dated December 14, 2017, entered into evidence as Exhibit B-1, as if set forth herein at length.
11. Applicants will utilize breakaway materials when enclosing the grade level and install flood vents as required.
12. The construction will conform to all building, fire and safety codes and will comply with all FEMA requirements; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants Michael Mellor and Pamela Mellor for variances to permit them to raise the existing two story single family home to a building height of 31 feet; relocate the house on the lot with a front yard setback of 5.5 feet to the new stairs; construct new stairs at the front; and construct new decks and a spiral staircase in the rear with a rear yard setback of 15.3 feet, and an air conditioning platform in the rear at their property located at 207 W. 27th Street, Lot 13 Block 10 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 there is not any increase heated living area; the decks will not deleteriously affect neighboring properties and will improve the habitability of the property for applicants; there will be two (2) parking spaces created, where none exist; the construction will comply with all current codes and FEMA requirements; whereupon the Borough will benefit from the house being constructed at a higher elevation to meet current and anticipated FEMA requirements. The use is permitted and the raising of the house in this flood prone area will be safer for applicant and surrounding property owners; applicant has demonstrated the criteria for a Hardship Variance pursuant to NJSA 40:55D-70 (c) 1 and NJSA 40:55D-70 (c) 2; the lot is unique by its substandard size; and it currently being used for residential purposes. The Board further finds that applicant has met the criteria of NJSA 40:55D-70 D as the proposed height is directly correlated with bringing the house into FEMA conformity.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of the applicants Michael Mellor and Pamela Mellor for variances for variances to permit them to raise the existing two story single family home to a building height of 31 feet; relocate the house on the lot with a front yard setback of 5.5 feet to the new stairs; construct new stairs at the front; and construct new decks and a spiral staircase in the rear with a rear yard setback of 15.3 feet, and an air conditioning platform in the rear at their property located at 207 W. 27th Street, Lot 13 Block 10 in the Borough of Ship Bottom, County of Ocean and State of New Jersey, in accordance with the plans entered into evidence, 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 December 14, 2017, as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant providing revised plans setting forth building coverage of 42.3%; the proposed first floor elevation and the building height of 31 feet; the actual front and rear yard setbacks to the stairs and decks in the zoning schedule; providing for the installation of curbing with a 12foot curb cut; and setting forth the correct combined side yard setback in the zoning schedule.

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. Variance relief is

granted to permit building coverage of not more than 42.3%; existing lot size, lot frontage and lot width, lot depth and lot area; and to permit the raising of the existing single family home, creating a garage and storage at grade; construct front stairs; decks in the rear with a spiral staircase as shown on the plans; to maintain a finished building height of not more than 31' feet. Applicant is also granted variances to maintain the existing nonconforming setbacks, and to create a rear yard setback of 15.3 feet and a front yard setback of 5.5 feet to the stairs with 19.8 feet to the building.

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.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon the approval of the Ship Bottom Water and Sewer Department; in the event the existing systems are determined to require repair or replacement; applicant shall comply with the Directives of that Department.

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 this approval is subject to and conditioned upon applicants' installation of curbing in accordance with Borough Codes and as directed and approved by the Borough Engineer and applicant providing a 12foot curb cut.

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

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations made by applicants and their witnesses and as placed on the record at the public hearing conducted on December 20, 2017 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant complying with all technical revisions and any other requirements as set by the Borough Engineer.

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. 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.

BE IT FURTHER RESOLVED that in the event the conditions set forth herein are not met by February 1, 2019, this Application may be listed by the Board Secretary on the Land Use Review Board Agenda for the meeting of the following month for dismissal, without prejudice, unless the Applicant offers appropriate reasons for the delay, all of which may be considered in the discretion of the Board. Further, it shall be understood that this administrative time limit is not a representation or guarantee by the Board, as existing State law applies, and the Board advises that it continues to be Applicants' obligation to comply with all applicable laws.

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

ADJOURNMENT:

On a motion by Mr. Hay seconded by Councilman English and an all aye vote, Chairman Cooper adjourned the meeting at 7:55 P.M.

Sara Gresko, Secretary
Land Use Review Board