

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 October 18, 2017.

WORKSHOP MEETING

Chairman Cooper stated the following:

The workshop meeting of the Ship Bottom Land Use Review Board is now open. The time is 7:00 P.M. and the date is October 18, 2017. Upon completion of the Work Shop Meeting the regular meeting will convene. Both meetings meet all the criteria of the Open Public Meetings Act.

During the workshop meeting, Arnold Lakind Esq. of Szaferman, Lakind, Blumstein & Blader, P.C., and Jeffery Wells, Architect for Coastal Design Group Architecture, representing Blue Water Developers LLC., owner of the Drifting Sands Motel, presented the board with an informal conceptual plan.

On a motion by Mr. Hay, seconded by Mr. Basile and all in favor vote, all aye, the workshop meeting was closed.

REGULAR MEETING

Chairman Cooper stated the following:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:12 P.M. and the date is October 18, 2017. The time, date and location of this meeting is listed in Resolution 2017-A, which was published in the Asbury Park Press, the Press of Atlantic City and Beach Haven Times. This was also posted on the Bulletin Board in the Municipal Building.

The next regular meeting of Ship Bottom Land Use Review Board is scheduled for November 15, 2017.

The conduct of this meeting is being recorded so all testimony can be clearly heard. At the appropriate time, the meeting will open to the public for any questions and comments. Maximum time period allowed to present testimony, witnesses and other proofs are limited to one hour and may be extended only at the discretion of the board. The meeting will adjourn at 10:30 P.M. with no further testimony being taken unless otherwise ordered at the discretion of the Board. All electronic devices and mobile phones should be turned off at this time.

Will the secretary please call the roll.

Roll call of members: Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Councilman English, Councilman Butkus (due to the nature of the applications) and Ms. Schmidt 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, Sara Gresko.

CORRESPONDENCE:

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

MINUTES:

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

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

OLD BUSINESS: NONE

NEW BUSINESS:

- (A) DOCKET NO. 17:17
DANIEL PLATT III & DIANA CASTLE
1922 BAY TERRACE
BLOCK 50 LOT 14

David G. Esposito Esq., of Esposito & Leboeuf, LLC representing the applicants.

The following were marked into evidence by Mr. Snyder:

- A-1 The application
- A-2 Variance Plan by Nelke/Tyszka Land Surveyors, LLC
- A-3 Building Plans, three (3) sheets, prepared by applicant
- A-4 Picture
- B-1 Review letter prepared by Owen, Little & Associates

Mr. Little had a question concerning evidence A-3, foundation plans, page one (1) regarding the front door with no stairway.

Mr. Esposito presented the application requesting to raise the existing single-family dwelling to 32 feet and erect a balcony on the rear of the premises.

Jeffery Barton, Planner and Architect, sworn in for testimony.

There was a discussion regarding the curb cut and the driveway entrance.

Daniel Platt III, owner of 1922 Bay Terrace sworn in for testimony by Mr. Synder.

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

John Volpe, Assistant Chief of Ship Bottom Volunteer Fire Company, question regarding the deck, balcony and stairway.

Fred Moser, owner of 1930 Bay Terrace, in support of the application.

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

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

A motion to approve this application with the condition of granting a 20ft curb cut, driveway offset of at least 18 feet and to remove the front door was made by Mr. Hay and seconded by Mr. Basile.

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

- (B) DOCKET NO. 17:18
604 CENTRAL AVE. LLC
604 CENTRAL AVENUE
BLOCK 115 LOT 7, 8.01

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

Mr. Raban submitted a notarized statement signed by Joseph D. Puglisi and Andrea Puglisi, owner of 201 West 7th Street, acknowledging receipt of the public notice and waiving the deficiency of the notice.

The following were marked into evidence by Mr. Snyder:

- A-1 The application with resolution attachments
- A-2 Site Plan by Horn, Tyson & Yonder, Inc.
- B-1 Review letter prepared by Owen, Little & Associates

A-3 4 Photos

Mr. Raban presented the application requesting to expand the existing delicatessen, restaurant, and retail uses by proposing a 9’x22’ airstream camper below the awning located on the west side of the building.

Mr. Raban requested the board amend the site plan to allow permanent placement for temporary uses.

Raymond Hughes, 604 Central Ave. LLC, was sworn in for testimony.

James Brzozowski, Engineer and Planner of Horn, Tyson and Yoder and Frank provided testimony.

Discussion regarding impact on parking.

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

The following members of the public asked Mr. Hughes questions:

Denis and Joyce Gallagher, 517 Drexel Dr., Linda Decker, 610 Drexel Dr., Jeff Seddon, south of the property, concerns regarding traffic, parking, generator usage, noise and aesthetics.

Mr. Hughes addressed their concerns of traffic, parking, generator usage, noise and aesthetics.

Rick McDonna, 265 West 13th Street, in support of the application.

Not recognizing anyone else from the public, on a motion made by Vice Chairman Tallon, seconded by Mr. Bishop 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. Dixon with the condition to close the Air Stream at 7:00 P.M. and seconded by Mr. Basile.

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

A break was called at 8:40 P.M.

Chairman Cooper reopened the meeting at 8:45 P.M.

RESOLUTIONS:

- A. DOCKET NO. 17:15
ESTATE OF LAWRENCE J. CORNECK
NORMAN FIELD, EXECUTOR
2304 LONG BEACH BLVD.
BLOCK 30 LOT 11

A motion to approve this resolution was made by Mr. Hay and seconded by Mr. Dixon. 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. 2017:15 SP/V**

WHEREAS, the Estate of Lawrence J. Corneck by Norman Field, Executor has made application to the Land Use Review Board of the Borough of Ship Bottom for variances and for Preliminary and Final Site Plan Approval together with variances to

permit the construction of a second story apartment to the existing one story commercial

building located at 2304 Long Beach Boulevard, known and designated as Lot 11 Block 30 in the Borough of Ship Bottom, County of Ocean and State of New Jersey.

WHEREAS, the Land Use Review Board considered this application at a public hearing conducted on September 20, 2017. The applicant was represented by Richard P. Visotcky, Esq. The application dated August 7, 2017 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. titled "Site Plan Lot 11 Block 30 Tax Map Sheet #5 Borough of Ship Bottom, Ocean County, New Jersey" dated May 18, 2012 under signature and seal of James D. Brzozowski, Professional Engineer, Professional Planner and Hayes A. Hewitt, PLS was entered into evidence as Exhibit A-2; architectural plans prepared by the Creative Minds Group Assoc. LLC dated June 21, 2017, titled "2304 Long Beach Blvd Block 30 Lot 11 Borough of Ship Bottom Ocean County, NJ" under signature and seal of Frank D. Mileto, AIA containing three (3) sheets, A4, A5 & A6; was entered into evidence as Exhibit A-3; two (2) photographs of the property, one of the front and north face; and the other of south side of the building were entered into evidence as Exhibit A-4 and a photograph of the building and 24th Street was entered into evidence as Exhibit A-5. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, and dated September 11, 2012 was entered into evidence as Exhibit B-1. Testimony was offered by James D. Brzozowski, the applicant's engineer and planner; Frank D. Mileto, applicant's architect and by Norman Field the applicant. There was not any public comment offered; and

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

1. All jurisdictional requirements have been met.
2. Applicant acquired the property in April 2017; it is a vacant commercial building, having been previously occupied and used as a shoe store.
3. The property is located on the northeast corner of 24th Street and Long Beach Boulevard; it consists of a lot with dimensions of 28.50 x 118.00 feet; improved with a one story building and gravel parking area to the rear, which is accessible from 24th Street.
4. The site is located in the SC Shore Commercial Zone. The lot area is nonconforming at 3,363 square feet where a minimum of 4,800 square feet is required; the lot width of 28.5 feet is nonconforming as 60.00 feet lot width is required. The setback to Long Beach Boulevard is 2.7 feet where 15 feet is required; the lot frontage to 24th Street is 0.4 feet where 15 feet is required and the side yard setback to the north is 0.1 feet where 5 feet is required. The lot coverage is 94% where 90% is permitted; and the building coverage is 55.5% where 35% is permitted. Applicant does not have adequate parking for the prior retail use, seven (7) spaces were required and four parking (4) spaces exist. The addition of an apartment at the site creates a requirement for nine (9) parking spaces with four (4) spaces being provided.
5. The Board adopts the contents of the September 11, 2017 letter from Owen, Little & Associates, Inc. entered into evidence as Exhibit B-1; as if set forth herein at length.
6. Applicant proposes to construct a two (2) bedroom two (2) bath apartment on the second floor of the building as set forth on the architectural plans entered into evidence as Exhibit A-3. As part of the construction roof overhangs at the front and rear of the building will be removed to reduce the building coverage to 52.1 %.; and the lot coverage to 91.4%.
7. Applicant proposes to flood proof the first floor to Elevation 9 feet; and will construct the second story not to exceed a building height of 24 feet.
8. Applicants are requesting a waiver to permit the continued use of the 44.5' depressed curb at 24th Street for access and egress to the parking area. Applicant will repair or replace all curbs at the site in disrepair or below current design standards.
9. The mixed use is permitted in the zone. The property to the north is developed with condominiums and the property to the east is improved with parking for the aforementioned condominiums. The use and development as proposed will not have any impact upon the neighbors.

10. Applicant will maintain all lighting at the site in accordance with Borough Ordinances and will assure that all light is shielded from the adjoining properties.
11. The designation of "Phase 2" on the plans is in error, there is not a Phase 2, and the designation shall be removed from the plan.
12. Applicants architect testified that the existing building can structurally support the proposed addition.
13. The ground level will be used for commercial purposes, only as permitted under Ordinance 16.44.010 B. 7.
14. Applicant will side the entire building, provide an ADA bathroom at the first floor; provide storage for the apartment under the stairs; and provide for trash storage and removal as designated on the plan.
15. The apartment will be set back with a deck in front and walkway on the side, over the roof of the first floor, and will contain 1,034 square feet of living area; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, the Estate of Lawrence J. Corneck by Norman Field, Executor for Site Plan Approval together with variances to permit the construction of a second story apartment to the existing one story commercial building located at 2304 Long Beach Boulevard, known and designated as Lot 11 Block 30 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 proposed use at this site is permitted under ordinance; the nonconforming conditions are preexisting, the building and land coverage will be slightly decreased; the development will not have any impact upon adjoining properties, and the building will be aesthetically improved. There is off-site parking available on Long Beach Boulevard and the parking variance may be granted; many of the commercial uses in the Borough do not provide any onsite parking.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of the Estate of Lawrence J. Corneck by Norman Field, Executor has made application to the Land Use Review Board of the Borough of Ship Bottom for variances and for Site Plan Approval together with variances to permit the construction of a second story apartment to the existing one story commercial building located at 2304 Long Beach Boulevard, known and designated as Lot 11 Block 30 in the Borough of Ship Bottom, County of Ocean and State of 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 11, 2017, 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 that applicant is granted variance relief from preexisting conditions and a waiver to retain the 44.5 feet depressed curb for access and egress to the parking area.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant conforming to all ordinances pertaining to the use of the property and lighting, with all lighting being directed away for the adjoining residential uses, and in conformance with Borough Ordinances. All signage shall conform to Borough ordinances.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements, with the first floor being flood proofed to elevation 9 feet; 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 and approval from the Ship Bottom Water and Sewer Departments.

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 approval is subject to all conditions and representations by applicant and its representatives as set forth herein and as placed on the record at the public hearing conducted on September 20, 2017 when this matter was considered.

BE IT FURTHER RESOLVED that applicant will repair/replace and install curbs, sidewalks and the driveway apron permitted at 44.5 feet, in accordance with Borough Ordinances and as directed by the Borough Engineer; Applicant will also replace and/or repair the water and sewer lines and laterals along the frontage of the property; as may be required by the Water and Sewer Department and Board Engineer. Applicant shall also address any deficiencies to provide adequate access and egress to the parking area; and provide a handicap accessible parking space as reflected on the plan.

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

B. DOCKET NO. 17:13
 JOHN & PENNI BREITLING
 107 WEST 23RD STREET
 BLOCK 36, LOT 9

A motion to amend this resolution was made by Mr. Hay and seconded by Mr. Dixon. It is as follows:

**CORRECTED 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. 2017:13V**

WHEREAS, John Breitling and Penni Breitling has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit the construction of a new two story elevated single family home at its' property, a lot with dimensions of 30' feet x 100' feet located at 107 West 23rd Street, Lot 9 Block 36, 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 July 19, 2017. The applicants were represented by James S. Raban, Esq. The application dated June 28, 2017 was entered into evidence as Exhibit A-the plan prepared by Nelke/Tyszka, LLC. titled "Variance Plan T.M. Lot 9 – Block 36 Tax Map Sheet #6 Borough of Ship Bottom, Ocean County, New Jersey A.K.A. Part of Lot 29, Block 66 F.M. #B-255" dated June 7, 2017 under signature and seal of Leon Tyszka, PLS, was entered into evidence as Exhibit A-2; Architectural plans prepared by Robert B. Roth, Jr., A.IA. dated April 2017 with a final revision date of June 14, 2017 consisting of Sheet V-1 was entered into evidence as Exhibit A-3. The review letter of Owen, Little and Associates, Inc. dated July 12, 2017 was entered into evidence as Exhibit B-1. Testimony was offered by Leon J. Tyszka, applicants Professional Land surveyor; and Robert B. Roth, applicants architect and professional planner, applicants were present to answer any questions. There was not any public comment; 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:

16. All jurisdictional requirements have been met.
17. The applicant is a contract purchaser of the property. The property is located in the OR Office Residential Zone. The property consists of a lot with dimensions of 30' x 100' feet containing 3,000 square feet; a one

story single family home and detached sheds had been demolished, the lot is vacant.

18. The lot frontage and lot width requirement in the OR Office Residential Zone is 60' feet; the property is 30' feet wide; and maintains lot frontage of 30' feet. The minimum required lot area in the OR Office Residential Zone is 4,800 square feet; the subject property contains 3,000 square feet.
19. The current owners of the property were granted variance relief to construct an elevated two story home upon the property with a different configuration that that which is currently before the Board, as set forth in Resolution of Memorialization 2014-28 V adopted on August 20, 2014.
20. Applicants are requesting variance relief to construct a new elevated two story home, containing two bedrooms and one and one half bathrooms on the first floor; and a second floor loft area for an additional bedroom at a finished height of 29.0' feet.
21. Applicants propose to construct the new home at a first floor elevation of 14.00' feet.
22. The Board adopts the July 12, 2017 letter from Owen, Little & Associates, Inc., entered into evidence as Exhibit B-1, as if set forth herein at length.
23. Applicant proposes a front yard setback of 15' feet to the first floor deck; a rear yard setback of 32 feet; with a 3 x 4 foot air conditioning platform located in the rear yard. Applicants are also proposing side yard setbacks of six (6') feet each, for combined side yard setbacks of 12 feet. The proposed building coverage is 32.2%.
24. Applicants are requesting a height variance, to construct the home at two stories at a height of 29 feet, the lot width being less than 40' feet, mandates a single story home; and the maximum height permitted is 24' feet. The proposed height exceeds 10% percent of the permitted height, a use variance is required.
25. Applicants are proposing the curbing at the front of the property, with a 12 foot depressed curb opening.
26. The Board finds that there has not been any change of the conditions of the neighborhood since the prior approval in 2014.
27. The grade level will be improved with a garage, storage area and outdoor shower.
28. The new home will provide a desirable visual environment; the house will be suitable for the site; and the compliance with anticipated FEMA requirements will provide a benefit to the Borough at large. The Board finds that the height requested is necessary for the construction of the new home, and is necessary to provide onsite parking, and compliance with FEMA requirements.
29. The new house will be constructed to code; it will meet 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 applicant, John Breitling and Penni Breitling for variances to permit the construction of a new two story elevated single family home at its' property located at 107 West 23rd Street, Lot 9 Block 36, in the Borough of Ship Bottom, County of Ocean and State of New Jersey, a lot with dimensions of 30' feet x 100' feet at a height not to exceed 29' feet; with side yard setbacks of 6' feet each with building coverage not to exceed 32.2% 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 new home will be suited for the site; the nonconforming Lot Width, Lot Frontage and Lot Area are preexisting; there is not any property available for acquisition to bring the lot into conformance. The proposed house will not impede the light, air or open spaces of adjoining property owners. The new 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; applicant has demonstrated the criteria for a Hardship Variance pursuant to NJS 40:55D-70 (c) 2 and a height variance under NJS 40:55D-70 (d); onsite parking will be provided; the front yard setback will also comply with zoning requirements. The design of the new house will be aesthetically pleasing. The Board further finds that the conditions in the neighborhood have not changed since the prior approval granted in 2014, but for the construction of a new houses exceeding the permitted height

requirements, under variance approvals.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of , John Breitling and Penni Breitling for variances to permit the construction of a new two story elevated single family home at its' property located at 107 West 23rd Street, Lot 9 Block 36, in the Borough of Ship Bottom, County of Ocean and State of New Jersey, a lot with dimensions of 30' feet x 100' feet at a height not to exceed 29' feet; with side yard setbacks of six (6) feet each; with building coverage not to exceed 32.2% 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 July 12, 2017, as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to proposed FEMA requirements, as set forth in the Advisory Maps, if the final Maps have not been adopted at the time of construction; 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.

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' compliance with Borough Ordinances pertaining to the curb cut(s) at the front of the property; and applicant installing curbs in accordance with Borough Codes and as directed and approved by the Borough Engineer. The curb cut shall not exceed twelve 12' feet.

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 July 19, 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 September 1, 2018, 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.

BE IT FURTHER RESOLVED that this Resolution corrects and supersedes the Resolution of Memorialization adopted by this Board on August 16, 2017 under Docket Number 2017:13V; and is effective Nunc Pro Tunc on August 16, 2017 when the original Resolution of Memorialization was adopted.

Roll Call Vote: Mr. Bishop, Mr. Dixon, Mr. Hay, and Chairman Cooper, all aye

ADJOURNMENT:

On a motion by Mr. Hay seconded by Mr. Dixon and an all aye vote, Chairman Cooper adjourned the meeting at 8:47 P.M.

Sara Gresko, Secretary
Land Use Review Board