

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 16, 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.

Jeff Wells, architect for Shore Prospects, LLC who obtained approval in August for a project at the circle. Mr. Wells explains they are proposing to put up a temporary sign and construction trailer at the property. They are also proposing a screen around the fencing with some type of printing on it, be it a photograph or simply a website or phone number. Discussion ensued amongst the Board and Board attorney with Mr. Wells. Concerns regarding site triangles and the fencing. The suggestion is to go back to the zoning officer and police department to make sure there are no concerns as far as the screening around the fence.

REGULAR MEETING:

The Regular Meeting was called to order by Chairman Butkus at 7:15 p.m. He informed all those present that this meeting met all the criteria of the Open Public Meetings Act.

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

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

CORRESPONDENCE:

There was no correspondence this month.

MINUTES:

The minutes of the September 21, 2016 meeting were presented to the Board for review. Vice Chairman Tallon made a motion to approve the minutes, Mr. Cooper seconded the motion. Roll call vote: Copper, Dixon, Bishop, Tallon and Butkus all aye to approve.

NEW BUSINESS:

No new business.

RESOLUTION:

The following resolution was introduced by Mr. Snyder:

**RESOLUTION OF MEMORIALIZATION OF THE
LAND USE REVIEW BOARD OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2016:08V**

WHEREAS, Anthony and Linda Collura has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit them to remove the existing 4.5' x 9.0' concrete front landing and construct a new 5.0' x 23.0' wood deck with two (2) wood steps at their property known and designated as Lot 5 Block 37; 130 East 22nd Street 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 conducted on September 21, 2016. The applicants appeared Pro Se. The application dated August 1, 2016 was entered into evidence as Exhibit A-1; the survey prepared by DSV & Associates, Professional Land Surveyors, dated February 5, 2014 titled "Survey of Property Lot 5 Block 37 Ship Bottom Borough Ocean County, New Jersey" under signature and seal of Vincent Lungari, N.J. L.S. was entered into evidence as Exhibit A-2; Architectural Plans prepared by Joseph Primiano, Architect dated August 3, 2016 titled "Proposed Front Porch" consisting of Sheet V-1A and Sheet V-1B under signature and seal of Joseph Primiano, Architect was entered into evidence as Exhibit A-3; a photograph of the front of the house, "Facing East" was entered into evidence as Exhibit A-4; a photograph of westerly portion of the property "Neighbors to the West" was entered into evidence as Exhibit A-5; a photograph of the front of the house with "Proposed Expansion" drawn thereon was entered into evidence as Exhibit A-6. A copy of the 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. 2014:09V adopted on April 16, 2014 was entered into evidence as Exhibit J-1. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated September 15, 2016 was entered into evidence as Exhibit B-1. Testimony was offered by the applicant's architect Joseph Primiano, and Linda Collura, one of the applicants. Douglas F. Klee, P.E., P.P., C.M.E., a principal of Owen, Little & Associates, Inc. appeared for the Land Use Review Board. There was not any public comment offered; and

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

1. All jurisdictional requirements have been met.
2. The property is located in the R-3 Single and Two Family Zone. The property consists of a lot with dimensions of 40 x 100 feet improved with a single family frame dwelling and detached garage. The existing dwelling maintains nonconforming side yard setbacks of 2.99' feet and 11.84' feet where the combined side yard setback requirement is 15' feet. The garage maintains nonconforming setbacks, the side yard setback is 2.51' feet and the rear yard setback is 2.8' feet; where 5' foot rear and side yard setbacks are required.
3. Applicants were previously granted variance relief to enclose a first floor deck and create a sun room at the property and to construct a second floor deck; all as set forth in 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. 2014:09V adopted on April 16, 2014, which Resolution has been entered into evidence as Exhibit J-1.
4. Applicants are now proposing to remove the front landing at their home, and replace it with an open deck and stairs; as set forth on the plans entered into evidence as Exhibit A-3.
5. The deck will remain open and will be constructed at side yard setbacks of 5.49' and 11.35' feet; whereupon the nonconforming side yard setbacks will not be continued or expanded with the proposed deck.
6. The deck will be accessible by two stairs; whereupon a front yard setback to the deck is 12.01' with a front yard setback to the steps being 10.18'; variances are requested from the requirement of a 15' front yard setback.
7. The proposal by applicants will increase the building coverage from 92% to 93.7%; variance relief is requested.
8. The Board is cognizant that the lot coverage includes the stones and coverage in the yard; the decking proposed will be open and permit drainage; and applicant have agreed not to install any additional paving at the site but for replacing the existing driveway and existing concrete areas.
9. The deck will be constructed at 1.7' above grade; if constructed below 1' foot the deck would be exempt from setback requirements.
10. The proposal by applicant creates an aesthetic improvement to the property; and will not have any negative impact upon the light, air or open space of adjoining properties.
11. Applicants have also requested a waiver from installing sidewalks, as there is existing curbing and there are not sidewalks adjoining the property.

12. The Board finds that the installation of sidewalks is not necessary at this particular location predicated upon the limited work proposed; and the lack of sidewalks on adjoining property.
13. The Board adopts the contents of the September 15, 2016 letter from Frank J. Little, Exhibit B-1, as if set forth herein at length; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants Anthony and Linda Collura has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit them to remove the existing landing at the front of their house and construct a 5.0' x 23.0' open wood porch accessible by two (2) steps, as set forth on the plans entered into evidence at a setback of 10.18' to the steps and 12.01' to the deck at their property known and designated as Lot 5 Block 37; 130 East 22nd Street 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 will not be any negative impact as a result of the proposed construction. Applicant will not install any additional paving at the site other than replacing paved areas already existing; and there will be an improvement to the streetscape; and the deck will maintain conforming side yard setbacks.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of Anthony and Linda Collura for variances to permit them to remove the existing landing at the front of their house and construct a 5.0' x 23.0' open wood porch accessible by two (2) steps, as set forth on the plans entered into evidence at a setback of 10.18' to the steps and 12.01' to the deck at their property known and designated as Lot 5 Block 37; 130 East 22nd Street in the Borough of Ship Bottom, County of Ocean and State of New Jersey in accordance with the plans entered into evidence as Exhibit A-3, 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 15, 2016, 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 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 repairing or replacing any curbs that are damaged during construction in accordance with Borough Codes and as directed and approved by the Borough Engineer. Applicant is granted a waiver from installing sidewalks at the property.

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 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 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 September 21, 2016 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 granted subject to the condition that the deck remain open; and that there shall not be any additional paving or concrete work, including the installation of pavers upon the property, but for the replacement of existing paved areas.

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 November 1, 2017, 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.

Adopted: October 19, 2016
Moved By: Cooper
Seconded By: Tallon
Roll Call Vote: Cooper, Bishop, Tallon and Butkus all aye.

BOARD BUSINESS:

Discussion regarding Ordinances 2016-18 and 2016-22 of the Governing Body ensued. On an all aye vote, with Chairman Butkus abstaining, the Board agreed to support the Ordinances.

ADJOURNMENT:

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

Respectfully submitted,

DANIELLE MEZZINA, SECRETARY
LAND USE REVIEW BOARD