

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 December 20, 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 December 20, 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 there was discussion of Mr. Snyder's letter about Borsellino's lawsuit and Long Beach Township's Master Plan and ordinances. Mr. Little stated that he had draft copies of Ship Bottom's Master Plan to give to the Master Plan Committee.

On a motion by Mr. Hay, seconded by Mr. Bishop 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 7:07 P.M. and the date is December 20, 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 January 17, 2018.

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: Mayor Huelsenbeck, Mr. Basile, Mr. Bishop, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Councilman English, Mr. Dixon, Mr. Panetta absent.

Mayor Huelsenbeck thanked the board members and the professionals for their services for the year and wished them a Merry Christmas and Happy New Year.

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 November 15, 2017 meeting were presented to the Board. On a motion by Mr. Hay, seconded by Ms. Schmidt, the minutes were approved as submitted.

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

OLD BUSINESS:

Zoning Official Susan Kilcheski asked the board for an interpretation on the Gross’s property, 105 East 16th Street Block 67, Lots 15 & 16. Mr. Snyder will send a letter to Ms. Kilcheski stating that the lots when combined will conform for zoning calculations.

NEW BUSINESS:

Mayor Huelsenbeck is unable to attend the meeting due to the nature of the application and resolutions, therefore excused himself the meeting at 7:18 P.M.

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

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

The following were marked into evidence by Mr. Snyder:

- A-1 The application
- A-2 Boundary & Topographic Survey by Ramirez Engineering, LLC.
- A-3 Plot Plan & Grade Plan prepared by Ramirez Engineering, LLC.
- A-4 Architectural Plans, three (3) sheets, prepared by Michael H. Strunk, Architect LLC.
- B-1 Review letter prepared by Owen, Little & Associates

Mr. Raban made corrections to the zoning schedule.

Mr. Raban presented the application requesting to raise and relocate the existing two story single family dwelling and construct a small two-story deck and a platform with stairs to the front entrance of the dwelling.

John W. Lord, Engineer and surveyor, Michael H. Strunk, Architect, and Michael Mellor, owner, provided testimony.

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

Not recognizing anyone from the public, on a motion made by Mr. Hay, 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. Hay and seconded by Mr. Basile with the condition of the modified plans for curbing.

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

RESOLUTIONS:

- A. DOCKET NO. 17:19
JASON SCHEPIS
519 OCEAN AVENUE
BLOCK 117 LOT 1 C.1 & C.2

A motion to approve this resolution was made by Mr. Hay and seconded by Ms. Schmidt. 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. 2017:19

WHEREAS, Jason Schepis, DMD has made application to the Land Use Review Board of the Borough of Ship Bottom for Minor Site Plan approval with variances to demolish the southerly building and reconstruct a new single family home at property known and designated at Lot 1, Block 117; 519 Ocean Avenue in the Borough of Ship Bottom, County of Ocean and State of New Jersey. The following variances are required:

1. Use variance whereas no more than one principal dwelling or building shall be permitted on one (1) lot.
 2. Front yard set back where 15 feet is required and 8.7 feet is proposed.*
 3. Side yard set back where 10 feet is required and 2.4 feet is proposed.*
- *pre-existing non-conformity.

WHEREAS, the Land Use Review Board considered this application at a public hearing on November 15, 2017. The applicant was represented by James S. Raban, Esq. The application received October 25, 2017 was entered into evidence as Exhibit A-1; August 7, 2017 meeting minutes of the Sea Watch Condo Association were entered into evidence as Exhibit A-2; Correspondence dated October 25, 2017 from the Sea Watch Condo Association was entered into evidence as Exhibit A-3; Resolution of Memorialization under docket Number 07:15V/SP was entered into evidence as Exhibit A-4; Resolution of Memorialization under Docket Number 7:15 V/SP was entered into evidence as Exhibit A-5; the plan prepared by Horn, Tyson & Yoder, Inc. title "Site Plan Lot 1, block 117 Tax Map Sheet #18, Borough of Ship Bottom, Ocean County New Jersey" (2 pages) dated 9/21/2017 and revised 10/25/17 under the signature of James D. Brzozowski, P.E., P.P., was entered into evidence as Exhibit A-6; Architectural Plans prepared by Michael Pagnotta Architecture and Construction, titled "Schepis Residence, Lot 1, Block 117, Ship Bottom, Ocean County, New Jersey dated 10/11/17 consisting of three (3) sheets was entered in to evidence as Exhibit A-7; Six color photos entered into evidence as Exhibit A-8; The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated November 1, 2017 was entered into evidence as Exhibit B-1. Testimony was offered by James Brzozowski, P.E., P.P. who was qualified as an expert in planning and surveying, Michael Pagnotta, licensed architect, Jason Schepis, one of the applicants and John Schepis, president of the Sea Watch Condo Association and owner of unit 6. Public comment was offered by Kevin Nepveux, Mark Ullinger, Kevin Rooney and John Schepis; and

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

1. All jurisdictional requirements have been met.
2. The applicant represents through counsel that he has the permission of the property owner to make the application.
3. The applicant is the contract purchaser of the property. The property is located in the R-3 Single and Two Family Residential District. The property consists of a lot with dimensions of 100 feet by 190 feet.
4. Presently on the site are two (2) structures containing five (5) condominium units.
5. The applicant proposes to demolish the structure located to the south and construct a new dwelling containing one (1) residential unit. The applicant proposes building a 47.8 foot by 30 feet residential structure. The application was amended at the time of the hearing to reduce the building from 33 feet to 30 feet to increase the distance between the structures to 5.1 feet and to remove a previously requested variance.
6. The applicant further amended the application to indent the first floor wall along 6th Street to permit off street parking.
7. The applicant proposes ten (10) parking spaces. There was testimony from the public that parking is an issue where often times parking is two deep in the lot.
8. The existing non-conforming side yard set back of 2.4 feet where 10 foot is required is to remain whereas there are no proposed changes to the northerly building's footprint.
9. The applicant proposes increasing the building coverage from 15.6% to 18.1% and increase the lot coverage from 47.7% to 48.7%.

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the applicant has failed to satisfy the positive and negative criteria necessary for the granting of the Use and Bulk Variances.

WHEREAS, the Board finds that the change of use and bulk variances cannot be granted without substantial detriment to the public good. Additionally, the detriment to the

intent and purposes of the zone plan and zoning ordinances outweigh any benefits from the proposed variances. The applicant has also failed to satisfy the special reasons or hardship necessary for granting of the D1 Use Variance. Specifically, the board finds that the increase in the proposed building envelope would have a substantially detrimental impact to the open air and light in that it would create a nearly 83 foot wall with a minimal break between the buildings where staircases and decks would limit the relatively small distance between structures. This increase in density would have a negative impact on the subject property and surrounding properties.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of the application of Jason Schepis, DMD for Use Variance and certain bulk variances to demolish the existing structure and replace same with a single family home at property known and designated as Lot 1, Block 117; 519 Ocean Avenue in the borough of Ship Bottom, County of Ocean and State of New Jersey is hereby denied. Roll Call Vote: Mr. Bishop, Mr. Hay, Ms. Schmidt, Mr. Fenimore, and Chairman Cooper, all aye.

ADJOURNMENT:

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

Sara Gresko, Secretary
Land Use Review Board