

**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 February 20, 2019.

**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 February 20, 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 Councilman Butkus 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 7:02 P.M. and the date is February 20, 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 March 20, 2019.

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: Councilman English, Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Hay, Mr. Fenimore, Mr. Yankowski, Vice Chairman Tallon and Chairman Cooper, present. Mr. Dixon 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 January 16, 2019 meeting were presented to the Board. On a motion by Mr. Hay, seconded by Vice Chairman Tallon, the minutes were approved as submitted.

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

Councilman English, Councilman Butkus and Mr. Yankowski stepped down from the meeting due to the nature of the application.

**OLD BUSINESS:**

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

Katharine Shackleton Esq., representing the applicants.

The following were marked into evidence by Mr. Snyder:

A-10 Revised Variance Plan, prepared by Nelke/Tyszka Land Surveyors, LLC  
A-11 Revised Architectural Plans, prepared by Michael Pagnotta, Architect

James Brzozowski, Engineer and Planner of Horn, Tyson sworn in for testimony.

Mr. Brzozowski presented and explained the revised variance plan.

Vice Chairman Tallon pointed out the enclosure under the proposed dwelling. Ms. Shackleton apologized for the confusion and stated that the enclosure was not requested by the applicant and professionals.

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

Leon Tyszka, local Surveyor, provided detailed information regarding the building line, flood regulation and dunes.

Richard Brokaw, 201 W. 19<sup>th</sup> St. in support of the application.

Egon Willy Kahl, 134 E. 20<sup>th</sup> St., Ted Maglione, 129 E. 20<sup>th</sup> St. and Michael Miskiv, 127 E. 20<sup>th</sup> St. oppose the application

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

Discussion between the board and Ms. Shackleton ensued.

A motion to deny this application was made by Mr. Basile and seconded by Mr. Bishop.

Roll Call Vote: Mr. Basile, Mr. Bishop, Mr. Hay and Mr. Fenimore, all aye. Vice Chairman Tallon and Chairman Cooper, nay. Four (4) aye, two (2) nay.

Chairman Cooper called for recess at 8:22 P.M. Mr. Basile excused himself from the rest of the meeting.

The meeting was resumed at 8:27 P.M. Councilman English, Councilman Butkus and Mr. Yankowski returned to the meeting.

B. DOCKET NO. 19:01  
STEPHEN & MEGAN SHUHET  
106 E. 27<sup>TH</sup> STREET  
BLOCK 20, LOT 11.01

James Raban Esq., 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-5 Revised Building Plot Plan, prepared by Morgan Engineering & Surveying  
A-6 Revised Architectural Plans, prepared by Musnug and Associates Architects

Matthew Wilder, licensed engineer and planner, sworn in for testimony.

Mr. Wilder presented the revised plot plan.

The board suggested a possible deed restriction in the western side.

Robert Musnug, licensed architect, sworn in for testimony.

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

Discussion took place for location of the curb cut.

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 following conditions: shifting the house five (5) feet to the rear, coverage of 35.5%, existing shed to be removed AC platform westward of the rear building and rear yard setback to be 15 feet.

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

**NEW BUSINESS:**

- A. DOCKET NO. 19:03  
CHARLES & LOIS JENSEN  
1106 BARNEGAT AVE.  
BLOCK 89 LOT 20.01

Katharine Shackleton, Esq., representing the applicants requesting to add second set of stairs for ease of access into dwelling.

The following were marked into evidence by Mr. Snyder:

- B-1 Review letter prepared by Owen, Little & Associates
- A-1 The Application
- A-2 Variance Map, prepared by, Horn, Tyson & Yoder, Inc.
- A-3 Colorized Photo, titled 1106 Before
- A-4 Colorized Photo, titled 1106 After

Charles Jensen, owner and applicant, sworn in for testimony.

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

Ms. Shackleton provided closing statements and discussion ensued amongst the Board.

A motion to approve this application as submitted was made by Councilman Butkus and seconded by Councilman English.

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

- B. DOCKET NO. 19:04  
ROBERT & JACQUELINE STACK  
342 W. 6<sup>TH</sup> STREET  
BLOCK 113 LOT 4.04

Richard Visotcky Esq., representing the applicants requesting to construct an open fiberglass deck.

The following were marked into evidence by Mr. Snyder:

- B-1 Review letter prepared by Owen, Little & Associates A-1 The Application
- A-2 Variance Plan, prepared by, Nelke/Tyszka Land Surveyors, LLC
- A-3 Architectural Plans, prepared by Robert Stack, Architect
- A-4 Two (2) 5x7” colorized photos
- A-5 Two (2) 5x7” colorized photos
- A-6 Enlarged colorized photo and drawings, prepared by Robert Stack, Architect

Robert Stack, owner and licensed architect, sworn in for testimony.

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

Brew Pascale, 340 W. 6<sup>th</sup> St., in support of the application.

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

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

A motion to approve this application as submitted was made by Councilman English and seconded by Mr. Hay.

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

**RESOLUTIONS:**

- A. DOCKET NO. 19:02  
RONALD CARLSON  
345 W. 4<sup>TH</sup> STREET  
BLOCK 136 LOT 9

A motion to approve this resolution was made by Mr. Hay 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. 2019:02**

**WHEREAS**, Ronald B. Carlson has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit the construction of a second floor addition the detached frame garage, and connect said garage to the principal single family home by a breezeway at property located at 345 W. 4<sup>th</sup> Street, Lot 9 Block 136 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 January 17, 2019. The applicant was represented by James S. Raban, Esq. The application dated December 26, 2018 was entered into evidence as Exhibit A-1; the plan prepared by Nelke/Tyszka Land Surveyors, LLC titled “Variance Plan T.M. Lot 9 Block 136 Tax Map Sheet #21 Borough of Ship Bottom, Ocean County, New Jersey” dated December 7, 2018 under signature and seal of Leon J. Tyszka PLS was entered into evidence as Exhibit A-2; building drawings containing seven (7) sheets prepared by applicant were entered into evidence as Exhibit A-3.. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated January 8, 2019 was entered into evidence as Exhibit B-1. Testimony was offered by Leon J. Tyszka, applicant’s Surveyor and by Ronald B. Carlson, the 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 applicants are the owners of the property.

3. The property is located in the R-1 Residential Zone. The property consists of a lot with dimensions of 60 x 110 feet improved with a one story single family home and one story detached garage with dimensions of 30.2 x 22.2 feet. The existing building coverage is 30.5%. The rear yard setback to the garage is 17.8 feet; which conforms for an accessory building.
4. It is applicant's intention to construct a second story to the detached garage, which is intended to be used as an art studio and workout room. Applicant testified under oath that he will not use the second floor as an additional living unit; he informed the Board that he is aware of the zoning and restriction upon the property to remain a single family home. He also intends to connect the garage to the main house with a breezeway as shown on variance and building plans.
5. In conjunction with the development a deck will be built at the second floor of the garage with a roof overhang and an exterior staircase will be constructed.
6. The joining of connecting of the garage to the house satisfies the requirements of Ship Bottom Ordinance 16.052.010 to classify the garage as part of the principal structure, no longer an accessory building.
7. The rear yard of 17.8 feet from the garage does not conform to the required 20 foot rear yard setback. Applicant's proposal does not have any impact upon the nonconforming rear yard setback.
8. A bathroom is proposed for the addition applicant also proposes to construct a bar area, there will not be any cooking, the refrigerator will be limited to an under counter model and a bar sink will be installed; there shall not be a dishwasher, full size refrigerator or full size sink installed. The bathroom will provide for a stall shower only.
9. Any additional air conditioning equipment will be installed within permitted building coverage; building coverage shall not exceed 35%. 33.26 % is proposed.
10. The Board adopts the contents of the January 8, 2019 letter from Frank J. Little, Jr. as if set forth herein as length.
11. The property shall be used and occupied as a single family home; the garage addition shall not be used as a second living area.
12. The proposal conforms with current zoning ordinances, but for the existing rear yard setback and will not have any negative impact to the light air or enjoyment of the neighboring property; and

**WHEREAS**, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant Ronald B. Carlson for variances to permit the construction of a second floor addition the detached frame garage, and connect said garage to the principal single family home by a breezeway at property located at 345 W. 4th Street, Lot 9 Block 136 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 development conforms to current zoning standards, the rear yard setback, rendered nonconforming by connecting the detached garage to the primary structure; has existed at the site for many years, and will not be enlarged as a result of the development; there will not be any impact upon the light, air and open space of adjoining properties.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Ship Bottom that the application of Ronald B. Carlson has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit the construction of a second floor addition to the detached frame garage, and connect said garage to the principal single family home by a breezeway and construction of covered deck at property located at 345 W. 4th Street, Lot 9 Block 136 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 January 8, 2019, as entered into evidence as Exhibit B-1.

**BE IT FURTHER RESOLVED** that the second floor addition shall not be used as a second living area, the property shall continue to be used as a single family home there shall not be any cooking facility on the second floor of the garage; the sink shall be

a limited to a small bar sink and the refrigerator at the second floor of the garage shall be an under the counter unit, the bathroom will contain a stall shower only, and the building coverage shall not exceed 35%.

**BE IT FURTHER RESOLVED** that the Applicant shall file a copy of this Resolution in conjunction with a deed setting forth the conditions contained herein and the specific condition that the property shall be used as a single family home and there shall not be a second unit created at the property. Said deed shall be filed with the Ocean County Clerk, with a filed copy being provided to the secretary to the Land Use Review Board.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicant obtaining all permits required for the project.

**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 January 16, 2019 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 applicant is granted variance relief to permit a rear yard setback of 17.8 feet where 20 feet is required.

**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 March 1, 2020, 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: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, and Chairman Cooper, all aye.

### **ADJOURNMENT:**

On a motion by Mr. Hay seconded by Councilman Butkus and an all aye vote, Chairman Cooper adjourned the meeting at 9:30 P.M.

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Sara Gresko, Secretary  
Land Use Review Board