

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 21, 2018.

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 21, 2018. Upon completion of the Work Shop Meeting the regular meeting will convene. Both meetings meet all the criteria of the Open Public Meetings Act.

There was discussion on the current Master Plan review.

Chairman Cooper opened the Regular Meeting.

REGULAR MEETING

Chairman Cooper stated the following:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:03 P.M. and the date is February 21,2018. 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 March 21, 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: Councilman English, Councilman Butkus, Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Mr. Panetta 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 17, 2018 meeting were presented to the Board. On a motion by Mr. Hay, seconded by Councilman Butkus, and all in favor vote, all aye the minutes were approved as submitted.

**ANNUAL REPORT
SYNOPSIS OF VARIANCE APPLICATIONS FOR 2017**

DOCKET NO. 17:01
BALDWIN RESIDENCE
338-380 W. 8TH STREET
BLOCK 103, LOTS 3 & 6

Amending a previously approved site plan application, requesting a variance from the front yard setback of 20 feet required, 15 feet previously approved, and 0 feet proposed. A variance requesting a 3-foot setback where 15 feet was previously approved.
Approved: 2/15/2017

DOCKET NO. 17:02
MESP, LLC
1419 LONG BEACH BLVD.
BLOCK 75, LOT 1

Requesting a variance to affix an electronic message sign above the stairs to the entrance of the building.
Approved: 4/19/2017

DOCKET NO. 17:03
MUSGNUG, ROBERT P.
108 E. 27TH STREET
BLOCK 20, LOT 10

The existing two story house will be removed and replaced with a new two story house. The new, proposed footprint is larger than the existing house, but will permit the removal of a free-standing shed, and thereby reduce both building and lot coverage from the current coverage. In addition, the new footprint increases the first-floor area, so that although not in conformity, it is less non-conforming. Applicant is requesting a first-floor elevation of 12.5 feet where the existing elevation is 5 feet. Where 9 feet is required, 11 feet provides the best FEMA compliance. By permitting one additional foot above the 11 feet the applicant can provide off street parking from two vehicles with no waivers. The new proposed house will correct the front yard and rear yard nonconformities, improve the side yard nonconformities and bring the lot coverage into compliance.

Approved: 4/19/2017

DOCKET NO.17:04
MAHONEY, SHAWN & LORRAINE
131,133,135 & 137 E. 29TH STREET
BLOCK 19, LOTS 1.01 & 24

The existing property has been used as a three family (triplex) use. Applicants propose to demolish the two remaining buildings and replace same with a new family residence with a proposed rear yard setback of 8' (20' required).

Approved: 04/19/2017

DOCKET NO. 17:05
PUFF, MARIA & KURT
241 W. 7TH STREET
BLOCK 114, LOT 22

Approval to construct steps on front setback variance needed. Approval for rear deck expansion, nonconforming use.

Approved: 06/21/2017

DOCKET NO. 17:06
LEIFESTE, ROBERT & KATHLEEN
104 E. 30TH STREET
BLOCK 17, LOT 9

Lot area, lot depth, building coverage, rear yard setback, and distance from principal structure to another building.

Approved: 05/17/2017

DOCKET NO. 17:07
LEARY, DONNA & RICHARD
205 W. 27TH STREET
BLOCK 10, LOT 14

Prior to sandy the property contained three (3) living units. After sandy only a single-family home was reconstructed on the site. The applicant proposes to increase the size of

the existing home. Variances are required for area, width, depth, front yard, sideyard, and coverage. The property as it will be developed is like other homes in the area. Prior to sandy when a triplex was existing on the property the coverage exceeded 75%. Most of the nonconformities are existing.

Approved: 06/21/2017

DOCKET NO. 17:08
 DEANE, D & B/TANTRISM, LLC
 104 E. 26TH STREET
 BLOCK 22, LOT 6

Existing structure will be demolished and replaced with a new, FEMA compliant single family house. Side yard setback, lot coverage, and will be above base flood elevation.

Approved: 06/21/2017

DOCKET NO. 17:09
 SULLIVAN, KEVIN & DAUNNE
 1709 BAY TERRACE
 BLOCK 61, LOT 5

Proposes to demolish the existing single family dwelling and construct a new single family dwelling requesting lot coverage, lot width, lot depth, building coverage, rear yard setback and building height.

Approved: 07/19/2017

DOCKET NO. 17:10
 DIANE AMBERG BORSELLINO
 136 E. 19TH STREET
 BLOCK 46, LOT 2

Appeal the decision of the borough's Zoning Official, and propose building beyond the building line.

Board made decision that they did not have jurisdiction to hear this application.

09/20/2017

DOCKET NO. 17:11
 REGINA EHRLINE
 260 W. 11TH STREET
 BLOCK 61, LOT 5

Proposes to construct a garage and additional bedroom in the location of the deck with a proposed and existing side yard of 3.77' minimum 5'0" existing on one side (5.0'/10' required).

Approved: 08/16/2017

DOCKET NO. 17:12
 EDWIN & PATRICIA POLING
 607 SHORE AVENUE
 BLOCK 116, LOT 4

Convert existing duplex to a single family dwelling and construct a 3rd floor addition to the structure requiring a rear yard setback having proposed 11.7' (20' required).

Approved: 08/16/2017

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

Proposes to construct a new single family dwelling requesting a variance for lot area, lot width, side yard setback and maximum building height.

Approved: 08/16/2017

DOCKET NO. 17:14
 ROBERT NUGENT
 107 W. 23RD STREET
 BLOCK 36, LOT 9

Proposes ten (10) additional outdoor seats for countertop within footprint and existing structure.

Approved: 09/20/2017

DOCKET NO. 17:15

ESTATE OF LAWRENCE J. CORNECK – NORMAN FIELD, EXECUTOR
2304 LONG BEACH BLVD.
BLOCK 30, LOT 11

Proposes to renovate existing Shoes 4 U retail store and construct a second floor single family apartment, utilizing the existing footprint of the building. Requesting lot area, lot width, front yard setback, backyard setback, side yard setback, building coverage, lot coverage and parking.

Approved: 10/18/2017

DOCKET NO. 17:16

701 CENTRAL AVENUE, LLC
701 CENTRAL AVENUE
BLOCK 109, LOT 1.01

Proposes to subdivide a 20,000 square foot lot into two building lots with proposed areas of 15,000 square foot and 5,000 square foot. Seeking variance for lot area and width.

WITHDRAWN

DOCKET NO. 17:17

DANIEL PLATT III, DIANA CASTLE
1922 BAY TERRACE
BLOCK 50, LOT 14

Raise existing single-family structure; maximum building height is 24 feet, seeks to raise house to 32 feet. Erect a balcony on the rear of the premises.

Approved: 11/15/2017

DOCKET NO. 17:18

604 CENTRAL AVE. LLC
604 CENTRAL AVENUE
BLOCK 115, LOT 7, 8.01

Seeks to expand the existing delicatessen, restaurant and will retail uses by 198 square feet utilizing the proposed 9-foot by 22-foot airstream camper below the awning on the west side of the building.

Approved: 11/15/2017

DOCKET NO. 17:19

JASON SCHEPIS
519 OCEAN AVENUE
BLOCK, 117 LOT, 1 C.1 & C.2

Reduction of condominium units from six (6) to five (5). Demolish 2 units and construct a new dwelling consisting of one (1) unit.

Denied: 12/21/2017

DOCKET NO. 17:20

MICHAEL & PAMELA MELLOR
207 WEST 27TH STREET
BLOCK, 10 LOT, 13

proposes to raise and relocate two story single family dwelling and construct a small two story deck and a platform with stairs to the front entrance of the dwelling.

Approved: 12/20/2017

On a motion by Mr. Hay, seconded by Mr. Basile and all in favor vote, all aye, the 2017 Annual Synopsis was adopted.

OLD BUSINESS: NONE

NEW BUSINESS:

- (A) DOCKET NO. 18:02
ALBERT WATSULA
209 WEST 27TH STREET
BLOCK 10 LOT 12

Robert Kiss, Esq. representing the applicants.

The following were marked into evidence by Mr. Snyder:

- A-1 The Application
- A-2 Variance Map, prepared by Horn, Tyson & Yonder, Inc.
- A-3 Architectural Plans two (2) sheets, prepared by Craig W. Brearley, Architect
- J-1 Resolution 14:27V
- B-1 Review letter prepared by Owen, Little & Associates

Mr. Kiss presented the application requesting to install circular stairway to the decks at the rear of the property and adding a French drain system.

Board members sked for clarification on gutters versus French drain system, also had questions regarding retaining walls.

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 Mr. Hay, seconded by Mr. Basile, and all in favor vote, all aye, the public portion was closed.

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

A motion to approve this application as submitted was made by Mr. Dixon and seconded by Councilman English with modifications to the French drain systems.

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

(B) DOCKET NO. 18:03
KAREN DRUCKER, JAMES BAKA
110 WEST 27TH STREET
BLOCK 15 LOT 5

James Raban, Esq. representing the applicants.

The following were marked into evidence by Mr. Snyder:

- A-1 The Application
- A-2 Plot Plan, prepared by Scope Engineering, Inc.
- A-3 Architectural Plans three (3) sheets, prepared by Architectural Integrity, LLC
- B-1 Review letter prepared by Owen, Little & Associates
- A-4 Photograph

Mr. Raban presented the application proposing to raise, renovate, and expand existing dwelling. The dwelling will be converted from a two-family dwelling to a single-family dwelling.

Andrew Stockton, Architect and Planner, sworn in for testimony.

Mr. Raban requesting waiver for second curb cut as parking is not permitted on side of street.

Board members has questions regarding height of garage, height of dwelling and setbacks.

James Baka and Karen Drucker, homeowners, were sworn in and provided testimony.

Chairman Cooper called for a break at 8:00 P.M.

Chairman Cooper opened the meeting at 8:05 P.M.

Mr. Raban stated that applicant is willing to reduce height of house and move dwelling 1.5 feet.

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

Not recognizing anyone from the public, on a motion made by Mr. Dixon, seconded by Councilman Butkus and all in favor vote, 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 Vice Chairman Tallon, to provide a three (3) foot setback on the west side of the property and a waiver for two (2) 20 foot curb cuts.

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

RESOLUTIONS:

- A. DOCKET NO. 18:01
MR-JAK, LLC
1918 BARNEGAT AVENUE
BLOCK 53 LOT 1

A motion to approve this resolution was made by Mr. Hay and seconded by Councilman English. 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. 2018:01**

WHEREAS, Mr-Jak, LLC has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit the demolition of existing Single Family dwelling and construct a new Single Family dwelling at property known and designated at Lot 1, Block 53; 1819 Barnegat Avenue 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, 2018. The applicant was represented by James A. Raban, Esq. The application received December 26, 2017 was entered into evidence as Exhibit A-1; the plan prepared by Dante Guzzi Engineering Associates titled “Variance Plan, 1819 Barnegat Avenue, Block 53, Lot 1, Borough of Ship Bottom, Ocean County New Jersey” (1 page) dated 11/29/17 under the signature of Dante Guzzi, P.E., was entered into evidence as Exhibit A-2; Architectural Plans prepared by Michael Pagnotta Architecture and Construction, titled “Lynch Residence, 1819 Barnegat Avenue, Lot 1, Block 53, Ship Bottom, Ocean County, New Jersey” dated 11/14/17 consisting of two (2) sheets was entered into evidence as Exhibit A-3; A review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated January 18, 2018 was entered into evidence as Exhibit B-1. Testimony was given by Dante Guzzi, P.E. who was qualified as an expert in engineering and planning. Testimony was given by Michael Pagnotta, licensed architect, who was qualified as an expert in architecture. Keli Lynch testified that she is a member of Mr-Jak, LLC and has the authority to appear on behalf of the Applicant and to bind same. Public comment was offered by James Kuchta, 1813 Barnegat Avenue, Ship Bottom, Herbert Born, 1809 Barnegat Avenue, Ship Bottom and Robert Tangreti, 301 W. 19th Street, Ship Bottom; 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 Keli Lynch testified that she is a member of the applicant LLC and has the authority to make the application and to testify on behalf of the Applicant.
3. The property is located in the R-2 Single Family Residential District.
4. Presently on the site is one (1) single family dwelling.

5. The property presently has the following pre-existing non-conformities:
 - a) Existing Lot Area is 3200 SF where 4000 SF is required.
 - b) Existing Lot Depth is 80 FT where 100 FT is required.
6. The surrounding properties are fully developed and there is no opportunity to acquire additional property to make same conforming.
7. The applicant proposes to demolish the structure and construct a new single-family dwelling. The application was amended at the time of the hearing to withdraw the request for lot coverage variance. The applicant agrees that the lot coverage will be conforming, and no variance is sought.
8. The applicant is further requesting variance relief as follows:
 - a) Front Yard Setback 3.2 FT where 10 FT is required (amended at time of hearing at suggestion of the Board).
 - b) Side Yard Setback of 7 FT where 10 FT is required (amended at the time of hearing at suggestion of the Board).
9. The witnesses testified that the property will be constructed in compliance with applicable FEMA requirements and all building, fire and safety Codes.
10. The Board determines that a minor encroachment into the sight triangle is permissible.
11. The parking shall be relocated to Barnegat Avenue with a twelve (12) foot curb cut provided.
12. Air conditioning units to be located on the roof of the structure.
13. The open deck shall remain opened and not converted to closed living space. Applicant agrees to memorialize same by way of a Deed Restriction in a form acceptable to the Borough Solicitor.
14. Applicant will submit revised plans conforming to the agreed upon addendums.
15. The Board adopts the contents of the Review Letter of Frank J. Little Jr., P.E., P.P., dated January 11, 2018, entered into evidence as Exhibit B-1, as if set forth herein at length.

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, Mr-Jak, LLC for variances to permit it to demolish the existing single family dwelling and to construct a new single family dwelling with a front yard setback of 3.2 FT to the proposed steps; side yard setback of 7 FT with air conditioning units to be located on the roof; parking to be perpendicular to Barnegat Avenue with a 12 FT curb cut; and minor encroachment into the sight triangle at their property located at 1819 Barnegat Avenue, Lot 1, Block 53, 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 a reduction in the pre-existing non-conforming building coverage, no detrimental impact on open air and light, the construction will comply with all current codes and FEMA requirements. The use is permitted and the raising of the house in the 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-709(s) 1 and NJSA 40:55D-70(c)2; the lot is unique by its substandard size; and is currently being used for residential purposes.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the relief requested by the applicant, Mr-Jak, LLC for variances to permit the demolition of existing Single Family home and construct a new Single Family dwelling with a front yard setback of 3.2 FT; side yard setback of 7 FT; relocated parking to the Barnegat Avenue side of the property with a 12 FT curb cut; location of the air conditioning units on the roof; and Deed Restriction against enclosing the covered deck, at the property known and designated at Lot 1, Block 53; 1819 Barnegat Avenue 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 is approval is subject to and conditioned upon applicant revised plans setting forth the building coverage of 35%, side yard setback of 7 FT, front yard setback of 3.2 FT, parking and 12 FT curb cut on Barnegat Avenue, revised site triangle prohibiting enclosing covered deck.

BE IT FURTHER RESOLVED that is 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 12 FT curb cut.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned to 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 11, 2018, as entered into evidence as Exhibit B-2.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements and all buildings, 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, statutes and ordinances effecting this development and proposed use.

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 Applicants' 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 is approval is subject to all conditions and representations as set forth herein and as placed on the record at the public hearing conducted on January 17, 2018 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to an conditioned upon applicants complying with any and all technical revisions and submissions as the Borough Engineer may require.

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

ADJOURNMENT:

On a motion by Councilman English seconded by Mr. Hay and an all aye vote, Chairman Cooper adjourned the meeting at 8:30 P.M.

Sara Gresko, Secretary
Land Use Review Board