

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 April 17, 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 April 17, 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.

Chairman Cooper and the board acknowledged Mr. Fenimore's resignation letter and thanked him for the time he served. Mr. Fenimore thanked the board.

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 April 17, 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 May 15, 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.

Roll call of members: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Councilman English, Councilman Butkus and Mr. Yankowski, 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 April 4, 2019 special 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, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, all aye.

OLD BUSINESS:

Councilman English and Councilman Butkus could not attend the meeting due to the nature of the applications.

Mr. Snyder stated that this application is a special reason use variance, seven members are able to vote, for this application to pass, 5 affirmative votes are required.

- A. DOCKET NO. 19:05
WAINWRIGHT AMUSEMENTS, LLC
702-716 LONG BEACH BLVD.
BLOCK 107 LOT 9

James Raban, Esq., representing the applicant requesting to convert existing commercial structure into a family entertainment center.

The application was carried from March 20, 2019 Land Use Review Board meeting with the public portion open.

Dennis Galvin, Esq., representing Hartland Golf and Our Endless Summer, introduced himself and made objection to the application.

Paul Wood, owner of Our Endless Summer, sworn in for testimony.

Andrew Thomas, professional planner, sworn in for testimony.

Mr. Raban cross examined.

Mr. Galvin asked for the following to be marked as evidence:

Galvin 01: 2006 Master Plan Update & Reexamination, page 4 of 5

Galvin 02: 2000 Master Plan Update & Reexamination, page 5 of 5

Galvin 03: Police Ordinance 5.16.010 & 5.16.020

Galvin 04: D.O.T. Plan titled Drainage & Operational Improvement, dated May 2012

Rachel Colton, 108 E. 7th Street 2nd Floor, concerns regarding hours of operation, child safety, opposed to application.

Dave Seegers, employee of Brian Wainwright, sworn in for testimony. Addressed Ms. Colton's concerns regarding child safety.

Jason Fagans, 230 W. 20th Street and Kenneth Formica, 316 W. 5th Street, in support of application

Angela Trampota, 219 W. 28th Street, opposes the application.

Marty Stipicevic, West 8th Street, concerns regarding policing and security around the premises.

Malcolm Leslie, 105 W. 28th Street, concerns with the Master Plan process.

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

Mr. Galvin, objecting attorney, provided closing statements to the board.

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

Mr. Snyder stated that the board would be approving the use for amusement games however, this does not approve the license for amusement games, which would be obtained through the State of New Jersey.

A motion to approve this application was made by Mr. Basile and seconded by Mr. Hay with the following conditions:

- Change hours of operations to close at 11 P.M.
- No blinking lights exterior of the building
- Relocate the dumpster to 8th Street
- Security on the premises
- No expansion of the building

Roll Call Vote: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay and Chairman Cooper, all aye. Ms. Schmidt and Vice Chairman Tallon, nay. 5 ayes, 2 nays.

Chairman Cooper called for recess at 8:53 P.M. The meeting resumed at 9:03 P.M.

B. DOCKET NO. 19:06
 THE BALDWIN RESIDENCE, LLC
 338-380 W. 8TH STREET
 BLOCK 103 LOTS 3 & 6

James Raban, Esq., representing the applicant requesting to amend the previously approved site plans.

The following were marked into evidence by Mr. Snyder:

- A-1: Application, five (5) resolutions attached- 2018: 13B, 2017:01, 2015:04, 2007:10, 2006:16
- A-2: Amended Preliminary and Final Major Site Plans, 11 sheets, prepared by Stout & Caldwell Engineers, LLC
- A-3: James Raban's Letter addressed to the Land Use Board, dated April 5, 2019
- A-4: Building Plans, five (5) sheets, prepared by Dever Architects and Craig W. Brearley Architect
- A-5: Architectural Plans, 12 sheets, prepared by Dever Architects
- B-1: Review letter prepared by Owen, Little & Associates

Mr. Snyder stated that this application is a special reason use variance, seven members are able to vote, for this application to pass, 5 affirmative votes are required.

Mr. Raban stated that the applicant has been in front of the board beforehand for the prior approvals:

- 2015: Approval for the hotel with 105 guest rooms
- 2017: Amended application to change swimming pool room's setback
- 2018: Food truck, salon (3 rooms removed), shuttles and roof top tent

Christopher Vernon, applicant, sworn in for testimony.

Robert Stout, professional engineer, sworn in and provided testimony.

The board had questions regarding change of the flood zone.

Tiffany Morrissey, professional planner, sworn in and provided testimony.

Ms. Morrissey asked for the following to be marked into evidence:

- A-6: Colorized Landscaping and Lighting Plan, Sheet 6 of 11, prepared by Robert Stout, Engineer
- A-7: Prior Approved Architectural Plan, dated December 22, 2017, prepared by Dever Architects
- A-8: Drawing 301, prepared by Dever Architects

Jeffery Pack, licensed architect, sworn in and provided testimony.

Discussion between the board and the professionals ensued regarding the following concerns:

- Breakaway wall and roof/patio overhang
- Landscaping
- Lot coverage
- Building coverage
- Impervious coverage
- Fountains and staircase on state property
- Eastern balconies
- Stairway and ventilation fans on eastern side of building

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

Angela Trampota, 219 W. 28th Street, concerns that the project is too big for the property.

Attorney Vincent Ludwig, Esq., representing William Bori, owner of Java Properties, TBA Dunkin Donuts, boarding east on the subject property, had concerns with the following:

- Eastern setbacks
- Eastern balconies
- Signage

Kenneth Formica, owner of Surf City Marina, supports project but has concerns regarding the construction of the hotel and the lot coverage.

Raymond Ciccone, W. 9th Street, and Jeffery Michael Sedon, 380 W. 9th Street, owner of 8-unit building, south of the hotel, in support of the project.

Joseph Mayo, Remax office on W. 8th Street, concerns with signage and parking, does not support 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.

Mr. Raban asked for the application to be submitted with the following modifications:

- Remove eastern balconies and add railings across sliders after end of the season
- Fans to be recessed flush with the building
- Remove the fence easterly of the property and landscape in lieu of fence
- Porous pavers to reduce impervious coverage
- D.O.T. approval to move the sign of the easterly neighboring businesses
- Western access to building and waterfalls are subject to the approval of the D.O.T.

Mr. Raban stated that the applicant would prefer not to move the southernly breakaway wall but to landscape extensively. Board members addressed their concerns and would like the breakaway wall to be moved back to the prior approved setback and the roof/patio overhang to be removed.

Mr. Raban asked the board for recess. Chairman Cooper called for recess at 11:10 P.M.

The meeting reopened at 11:10 P.M. The meeting resumed at 11:20 P.M.

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. Dixon with the following conditions:

- Remove eastern balconies and balcony overhangs, railings to be installed on sliders to prevent use of the balconies
- Ventilation fans to be recessed flush to the building prior to C.O.
- Move the northeastern stairway and reconfigure into a parking stall with a setback of 7.22 feet
- Impervious coverage back to prior approval using porous materials
- Letter of approval from D.O.T. for the western use of the property, if letter is not received prior to the C.O. stairs, landscaping and fountains to be removed
- Southern breakaway wall to be moved back to prior approval, overhang to be removed; building coverage will be reduced

Relocation of the ventilation fans and the impervious coverage must be done prior to the Certificate of Occupancy. The removal of the eastern balconies, balcony overhangs and relocation of the southern wall and roof/patio overhang removal will be bonded. The reconstruction will start October 30, 2019.

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

NEW BUSINESS

- A. DOCKET NO. 19:08
WILLIAM & LINDA KILROY
120 W. 3RD STREET
BLOCK 133 LOT 5

Mr. Snyder announced that this application will be carried to May 15, 2019 Land Use

Board Meeting due to time constraints.

A motion to carry this application was made by Mr. Dixon and seconded by Mr. Hay.

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

- B. DOCKET NO. 19:09
CHRISTOPHER & PATRICIA HEISER
2418 CENTRAL AVENUE
BLOCK 28 LOT 11

Mr. Snyder announced that this application will be carried to May 15, 2019 Land Use Board Meeting due to time constraints.

A motion to carry this application was made by Mr. Dixon and seconded by Mr. Hay.

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

RESOLUTIONS:

- A. DOCKET NO. 18:18
TIMOTHY DUFFY
135 E. 20TH STREET
BLOCK 46 LOT 1

A motion to approve this resolution was made by Vice Chairman Tallon and seconded by Ms. Schmidt. It is as follows:

**RESOLUTION OF MEMORIALIZATION OF THE
LAND USE BOARD OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2018:18 V**

WHEREAS, Timothy L. Duffy has made application to the Land Use Review Board of the Borough of Ship Bottom for variance relief to permit renovations to the second story of the existing house located at 139 E. 20th Street, Lot 1 Block 46, in the Borough of Ship Bottom, County of Ocean and State of New Jersey, by constructing dormers on three sides of the existing roof and an open deck within the roof line , which will provide living area upon the second floor; which building is substantially eastward of the Ocean Front Building Line; and

WHEREAS, the subject property previously was approved for development by the Land Use Board, subsequent to the Superior Court of New Jersey Ordering that the Board had jurisdiction over the development of the property, as set forth in Ship Bottom Land Use Board Resolution of Memorialization 2009:04V adopted March 18, 2009; and

WHEREAS, the property was improved and developed in accordance with the aforementioned development approvals; and

WHEREAS, a recent application before the Ship Bottom Land Use Board to develop similarly situated property, also substantially developed eastwardly of the Ocean Front Building Line at Lot 2 Block 46; 136 East 19th Street in the Borough of Ship Bottom, County of Ocean and State of New Jersey was initially rejected by the Land Use Board for lack of jurisdiction. That matter was appealed to the Superior Court of New Jersey: Diane Amberg- Borsellino v. Borough of Ship Bottom Land Use Review Board and Borough of Ship Bottom Docket: OCN-L-002937-17; whereupon the Court held that variance relief from the requirements of Ship Bottom Ordinance Chapter 16.72 Section 16.72-010 C., which prohibits construction southeastwardly of the oceanfront building line, except for certain protective work, should be prosecuted before the Ship Bottom Land Use Board; and

WHEREAS, applicant has filed for variance relief for certain preexisting conditions at the property; and for relief from the construction prohibition southeastwardly of the Ocean Front Building Line, as mandated under Ship Bottom Ordinance Chapter 16-72 Section 16.72-010 C. to permit the improvement of the second floor of the existing single family house and for variance relief to allow the installation of a dormer on the westerly side of the building at the existing 7.9 foot setback; and

WHEREAS, the Land Use Review Board considered this application at a public hearing on March 20, 2019. The applicant was represented by Arnold C. Lakind, Esq. The application dated October 3, 2018 together with a copy of Resolution of Memorialization 2009:04 adopted by the Board on March 18, 2009 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. titled “Variance Map Lot 20.01 Block 89 Tax Map Sheet # 15 Borough of Ship Bottom, Ocean County, New Jersey” dated July 18, 2017 with a final revision date of October 3, 2018; under signatures and seals of James D. Brzozowski, PE, PP and Robert De Blois, PLS, was entered into evidence as Exhibit A-2; a set of architectural drawings titled “Duffy Residence Lot 1 Block 46, Borough of Ship Bottom, Ocean County, New Jersey”, dated October 1, 2018, consisting of Sheet A1, Existing First Floor; Proposed Second Floor; and Sheet A2 Proposed Front Elevation, Proposed Side Elevation, Proposed Rear Elevation and Proposed Side Elevation, prepared by Michael Pagnotta, Architect, PC, under signature and seal of Michael Pagnotta was entered into evidence as Exhibit A-3. The review letter of Owen, Little and Associates, Inc. dated October 20, 2018 was entered into evidence as Exhibit B-1. Testimony was offered by applicant’s architect Michael Pagnotta, applicant’s engineer and planner James D. Brzozowski; applicant Timothy Duffy; and applicant’s Professional Planner Tiffany Morrissey. Public comment was offered by Egon Willy Kahl; Dan Erni, Michael Miskiv and Ted Maglione; and

WHEREAS, the Land Use Review 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 is the owner of the property. The property is located in the R-3 One Family Residential Zone. The property consists of a lot with dimensions of 97.65 x 100.30 feet irregular. The property is traversed by the Oceanfront Building Line and Bulkhead Line which subjects approximately 75% of the property to the restrictions of the Environmentally Critical District, as set forth in Chapter 16.16 of the borough Code and the Beach Protection Ordinance, as set forth in Chapter 16.72.
3. The property is fully developed; applicant’s predecessor in title had obtained building permits to rehabilitate the existing buildings, structures and decking on the property
4. The existing front yard setback to the steps on 20th Street is 4.7 feet over the property line; the front yard setback on Ocean Avenue, an unimproved street, is 2.1 feet over the property line; the existing rear yard setback, adjacent to Lot 2 Block 46 is 13.6 feet where 20 feet is required; the existing lot coverage is 65.3% and the accessory shed rear yard setback is 4.8 feet with a side yard setback of 2.7 feet. These conditions are preexisting at the site; and existed in 2009 when applicant’s predecessor was granted variance relief.
5. Applicant proposes to add three dormers on the second floor of the house, whereupon attic space will be converted into approximately 740 additional square feet of living space. A deck will also be incorporated into the roof structure fronting on the easterly side of the building, adjacent to the oceanfront. The existing building height will remain at 26.3 feet; however additional living space will be created by the renovation, as additional cubic area will be provided.
6. The first floor of the house has two (2) bedrooms with closets and two (2) small rooms, without closets, being used as bedrooms; a living room, kitchen and dining area and three (3) bathrooms. Applicant proposes to eliminate one of the small bedrooms on the first floor and create a bedroom with closet space; full bathroom and a family room on the second floor. An interior stairway will be created for access and egress from the first floor; the bedroom being eliminated on the first floor will accommodate the stairs.
7. The Board adopts the contents of the October 30, 2019 letter from Frank J. Little, Jr., the Board Engineer and Planner entered into evidence as Exhibit B-1, as if set forth herein at length; with the proviso that when the application was filed the Dune Protection Ordinances were included with Land Development Ordinances, and, as afore stated, this Board has jurisdiction to consider the application.

8. Applicant is not raising the height of the building; or increasing the footprint of the development on the property. The finished building height shall not exceed 26.3 feet.
9. The work proposed by Applicant will not have any impact upon the environmentally critical area. All of the work proposed will be performed within the existing structure.
10. According to the testimony of Applicant's architect the design was developed to minimize impact upon light, air and views of neighboring properties. He testified that there will be limited impact upon existing view lines; however there will be some impact as a result of the increase in building area being created.
11. The Board finds that the proposal of applicant will not impair the intent and purposes of the zone plan or zoning ordinances of the Borough of Ship Bottom; as all of the work will be accomplished within the existing building; nor will there be substantial detriment to the public good.
12. Mr. Kahl provided the Land Use Board with a photograph of the building, as it existed before the renovations that were performed by applicant's predecessors in title; and a photograph of the house in its current condition; they were entered into evidence as Exhibits O-1 and O-2. He also testified that the work by applicant's predecessor in title, performed in 2009 exceeded the development approved by the Board.
13. Applicant consented to the imposition of a deed restriction, limiting any further expansion or modification of the living areas and site, and limiting the building height to that which currently exists, 26.3' feet; in the event the Board approves the application.
14. The Board confirms its findings of fact regarding the history of the property as established in Resolution of Memorialization 2009: 04 adopted on March 18, 2009.
15. Applicant will comply with all building fire and safety codes and all development will comply with FEMA requirements.
16. Applicant's architect represented to the Board that the work proposed does not rise to a substantial improvement. The Board is not entertaining or acting upon an application to raise the house; the retention of the existing building height represents a material component of the Board's decision to favorable act upon the application; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, Timothy Duffy, to expand the second floor area by creating three (3) dormers, whereupon a bedroom, bathroom, family room, access stairway; and an open deck on the easterly side of the house, within the roof area, will be created; predominantly located eastwardly of the oceanfront building line in accordance with the plans entered into evidence as Exhibits A-2 and A-3, at property known and designated as Lot 1 Block 46; 135 East 20th Street in the Borough of Ship Bottom, County of Ocean, 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 work will be performed within the existing building area; there is not an increase in building height, building footprint; nor is there any work being performed directly upon the environmentally critical area. All of the work shall be performed within the second floor of the existing structure. The project proposed will provide an additional bathroom and family room within the house. A small bedroom area currently located on the first floor is being relocated to the second floor, and will be increased in size and provided with a closet.

The proposal will not increase the existing nonconformities; but for the dormer on the west side of the house being constructed at the existing 7.9 foot setback. All construction shall comply with all building, fire and safety codes and FEMA requirements; and

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of Timothy Duffy, to expand the second floor area, by creating three (3) dormers, whereupon a bedroom and closet, bathroom, family room, access stairway; and open deck on the east side of the existing house, within the roof area, will be created; predominantly located eastwardly of the oceanfront building line, in accordance with the plans entered into evidence as Exhibits A-2 and A-3, at property known and designated as Lot 1 Block 46; 135 East 20th Street in the Borough of Ship Bottom, County of Ocean, New Jersey, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant maintaining the existing building height of 26.3 feet; and not increasing the footprint of the existing house; and the newly created deck remaining open and uncovered.

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 October 30, 2019, 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. If it is determined that this project represents a substantial improvement, as defined by FEMA regulations, applicant shall be required to return to the Board, any change in the Building height, whether with or without Board approval, will constitute a rescission of this approval; the Board is NOT approving the raising of the building or increase in building height .

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 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 existing nonconforming conditions at the property; the existing front yard setback to the steps on 20th Street of 4.7 feet over the property line; the front yard setback on Ocean Avenue, an unimproved street, of 2.1 feet over the property line; the existing rear yard setback, adjacent to Lot 2 Block 46 of 13.6 feet where 20 feet is required; the existing lot coverage of 65.3% and the accessory shed rear yard setback of 4.8 feet with a side yard setback of 2.7 feet; be and hereby are confirmed and approved; and variance relief permitting the development of a dormer within the westerly side of the house at the existing setback of 7.9 feet is granted; applicant is also granted variance relief to perform the development, approved herein, in accordance with the plans entered into evidence as Exhibits A-2 and A-3, eastwardly of the ocean front building line, subject to all of the terms and conditions contained herein.

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 counsel and witnesses for the applicant and as placed on the record at the public hearing conducted on March 20, 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 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, as a condition of this approval and building permits being issued, Applicant shall file a copy of this Resolution in conjunction with a deed setting forth the conditions contained herein and the specific conditions that the second floor deck shall remain open and uncovered, that no additional living space shall be created at the property and the building height shall not exceed 26.3 feet; without further approval from this Board or any successor municipal authority having jurisdiction over this 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 in the event the conditions set forth herein are not met by May 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, Vice Chairman Tallon and Chairman Cooper, all aye.

ADJOURNMENT:

On a motion by Mr. Fenimore seconded by Vice Chairman Tallon and an all aye vote, Chairman Cooper adjourned the meeting at 11:43 P.M.

Sara Gresko, Secretary
Land Use Review Board