

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 May 16, 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 May 16, 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.

Chairman Cooper asked the board if they would prefer to use a Ship Bottom e-mail than their personal e-mail.

Vice Chairman Tallon thought it would be appropriate for the Chairman to have a borough e-mail and would not be necessary for the rest of the board to have a borough e-mail.

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 7:05 P.M. and the date is May 16, 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 June 20, 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: Mr. Basile, Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Councilman Butkus, Councilman English and Mr. Panetta absent.

Also in attendance were the Board Attorney, Stuart D. Snyder, Esq., Alternate Board Attorney, Kevin Quinlan, 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 18, 2018 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, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, all aye.

OLD BUSINESS: NONE

NEW BUSINESS:

Stuart Synder Esq. stated that Councilman Butkus and Councilman English will not be able to attend the meeting tonight due to the nature of the applications.

Mr. Synder excused himself from the meeting due to conflict, Kevin Quinlan, Esq. presided over the application.

- A. DOCKET NO. 18:06
BARRY & VALERIE LAYNE
328 W 17TH STREET
BLOCK 60 LOT 9

Nicholas Talvacchia, Esq., representing the applicants.

Michael Pagnotta, licensed Architect was sworn in for testimony.

The following were marked into evidence by Mr. Quinlan:

- A-1 The Application
- A-2 Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC
- A-3 Architectural Plans, two (2) sheets, prepared by Michael Pagnotta Architect
- B-1 Review letter prepared by Owen, Little & Associates

Nicholas Talvacchia, Esq., representing the applicant, requesting to demolish existing dwelling and construct a new two-story single family dwelling.

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

Susan Gobbo, 322 West 17th St., Wade Bradley, 325 West 17th St., Phillip Scheets, 334 West 17th St., Barbara Krzyzkowski, 307 West 17th St., do not support the application for the following reasons:

- Height variance
- 2nd story living space
- Side yard setback variance
- Aesthetics of the proposed dwelling

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

Mr. Talvacchia and the architect asked to be able to carry the application to a later date. The attorney stated they would re-notice and republish.

A motion to carry this application was made by Vice Chairman Tallon and seconded by Mr. Basile.

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

Chairman Cooper called for a 5- minute break at 7:40 P.M.

The Chairman reopened the meeting at 7:45 P.M.

- B. DOCKET NO. 18:07
MARIA DAVLOUROS
102 E 4TH STREET
BLOCK 130 LOT 12

James Raban, Esq., representing the applicants.

The following were marked into evidence by Mr. Snyder:

- A-1 The Application
- A-2 Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC
- A-3 Architectural Plans, two (2) sheets, prepared by Lomer & Meggitt Architects
- B-1 Review letter prepared by Owen, Little & Associates

James Raban, Esq., representing the applicant, requesting to demolish existing dwelling and construct a new two-story single family dwelling.

Laura Lomer was sworn in for testimony.

Vice Chairman Tallon asked how many rooms are in the existing dwelling.

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

Cheryl Huelsenbeck, 402 Long Beach Blvd., Anthony Andalft, 106 East 4th St., in support of the application.

Not recognizing anyone else 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. Fenimore and Mr. Basile had questions concerning the height of the proposed dwelling.

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

A motion to approve this application as presented, was made by Mr. Hay and seconded by Mr. Bishop with the condition to have the decks remain open.

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

C. DOCKET NO. 018:08
MICHAEL KORENKIEWICZ
411 OCEAN AVENUE
BLOCK 130 LOT 2.01

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 East Coast Engineering, Inc.
- A-3 Architectural Plans, two (2) sheets, prepared by Craig W. Brearley Architect
- B-1 Review letter prepared by Owen, Little & Associates

James Raban, Esq., representing the applicant, requesting to demolish existing dwelling and construct a new two-story single family dwelling.

Jason Marciano, licensed Architect and Planner was sworn in for testimony.

Michel Korenkiewicz, contract purchaser, sworn in for 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. Dixon 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 as presented, was made by Mr. Hay and seconded by Mr. Dixon.

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

MASTER PLAN:

Discussion amongst the professionals and board members regarding the 2018 Master Plan Reexamination Report.

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.

A motion to approve the 2018 Master Plan Reexamination Report, was made by Mr. Hay and seconded by Mr. Basile.

The Master Plan will be forwarded to the Governing Body.

RESOLUTIONS:

- A. DOCKET NO. 18:04
1809 LONG BEACH BLVD., LLC
1809 & 1815 LONG BEACH BLVD.
BLOCK 55, LOTS 1 CA & 2.01

A motion to approve this resolution was made by Mr. Hay and seconded by Vice Chairman Tallon. 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. 2018:04**

WHEREAS, 1809 Long Beach Boulevard, LLC and 1815A Long Beach Boulevard, LLC have made application to the Land Use Review Board of the Borough of Ship Bottom for variances together with site plan approval to permit interior seating for ten (10) patrons within 1815 Long Beach Boulevard Unit A, Lot 1 C-A Block 55, Ship Bottom, New Jersey in conjunction with the interior renovations changing that unit from a florist shop to a bagel shop; which renovation and change of use was administratively approved by the Zoning and Building Departments of Ship Bottom; and to permit the improvement of an outside dining area with 44 seats at 1809 Long Beach Boulevard, Lot 2.01 Block 55, Ship Bottom, New Jersey to provide seating and outdoor dining to the patrons of the of the bagel shop, adjoining the property at 1815 Long Beach Boulevard, aforementioned; the application reflects 1809 Long Beach Boulevard, LLC as the applicant and lists 1815 A Long Beach Boulevard, LLC as the owner; factually 1809 Long Beach Boulevard, LLC is the owner of 1809 Long Beach Boulevard, Lot 2.01 Block 55; and 1815 A Long Beach Boulevard, LLC is the owner of 1815A Long Beach Boulevard, Lot 1 C.A Block 55; whereupon both limited liability companies are owned by Anthony Edwards and Donna Edwards, and both or applicants and owners; and the requested development encompasses both properties being used in concert each with the other; and

WHEREAS, the Land Use Review Board considered this application at a public hearing conducted on April 18, 2018. The applicant was represented by Christopher A. Erd, Esq. of the law firm Norris McLaughlin & Marcus, PA. The application dated February 2, 2018 together with the attached condominium documents for Pawley Group Condominiums, was entered into evidence as Exhibit A-1; the plans prepared by Dante Guzzi Engineering Associates titled “Minor Site Plan Block 55 Lots 1 C.A. and 2.01 Borough of Ship Bottom, Ocean County New Jersey” dated January 9, 2018 under signatures and seal of Dante Guzzi, P.E. containing Drawing No.C1 and Drawing No. C 2 was entered into evidence as Exhibit A-2; the architectural drawings prepared by Adamson Riva & Lepley Architects, AIA titled “Proposed Fit-Out for Bageleddis 1811 Long Beach Blvd. Ship Bottom, New Jersey 08008 Borough of Ship Bottom” containing Drawings A0.0; A1.0; A1.1; & A1.2 was entered into evidence as Exhibit A-3. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated April 11, 2018 was entered into evidence as Exhibit B-1. Testimony was offered by

Donna Edwards, a member of applicant; Dante Guzzi, applicants engineer; Joseph F. Adamson, applicants architect and by Anthony Edwards, a member of applicant. Public comment was offered by Vernon Welch, Daniel Gentile, Verna Dickson, Kathleen Crossin, Mary Di Lorenzo; Joseph Snyder; and Blair Stiefbold; and

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

1. All jurisdictional requirements have been met.
2. Applicant 1815A Long Beach Boulevard, LLC is the owner of the property known as 1815A Long Beach Boulevard, Lot 1 C.A. Block 55, Ship Bottom, New Jersey which consists of a commercial condominium unit, one of a two unit side by side condominium; the unit to the south, Unit B, is occupied as a dental office; and the subject unit was previously used as a florist shop and is in the process of being converted into a bagel shop by 1815A Long Beach Boulevard, LLC, one of the applicants herein. Applicant 1809 Long Beach Boulevard, LLC is the owner of 1809 Long Beach Boulevard, Lot 2.01 Block 55 Ship Bottom, New Jersey, the adjoining property to 1815 A Long Beach Boulevard, which property is a vacant lot previously utilized for the outdoor display of plants and landscaping materials in conjunction with the florist shop; and now intended to be used for outdoor seating in conjunction with the bagel shop proposed at 1815 A Long Beach Boulevard.
3. The respective properties are owned by separate limited liability companies, however both companies are owned by Anthony Edwards and Donna Edwards. The application before the Board is for the joint usage of both properties as a bagel shop; with ten (10) interior seats in Lot 1 C.A.; the condominium unit at 1815 Long Beach Boulevard, Unit A; and 44 exterior seats with a landscaped improved outside dining area at 1811 Long Beach Boulevard; Lot 2.01 Block 55; and any approvals herein shall require the properties be used in conjunction each with the other.
4. Applicants have obtained permits to renovate the condominium unit at 1815 Long Beach Boulevard and change its use to a bagel store; seating has not been approved. Applicants are before the Board seeking variance relief to provide ten (10) seats inside the building at 1815 Long Beach Boulevard together with forty-four (44) outside seats at 1811 Long Beach Boulevard; variances are required from the Borough parking requirements; of one (1) space for four (4) seats. Applicants are proposing four (4) parking spaces; including one handicap accessible space; all located upon Lot 2.01 Block 55 at the rear, where it fronts Pennsylvania Avenue.
5. The existing front yard setback to the building on Lot 1 Block 55 at 1815 Long Beach Boulevard is .01 feet; and the existing rear yard setback is 4.2 feet. Applicants have requested variances for these preexisting conditions.
6. Applicant has requested variance relief to retain the existing fences at the 1811 Long Beach Boulevard; the existing stockade fence along the side of the property is six (6) feet in height; inclusive of the area within the front yard setback and the chain link fence in the front of the lot is six (6') feet in height. Applicant offered testimony that the fences are in good condition, and they desire for them to remain, notwithstanding the plan notes their removal. Applicant informed the Board that the front chain link fence provides adequate security to the site; and with the open nature of the fencing there are not any visual obstructions or negative impact form the continued usage. Applicant is requesting variance relief from the four (4') foot fence requirements.
7. Applicants architect informed the Board that the interior design has taken into account a smooth flow of customer movement within the building; the pre-existing rear door is not intended for public access or egress, except in case of emergency. Access and egress is proposed through the front door; with a side door landing and ramp to generate egress from the side door into the newly created outside dining and landscaped area to move customers from the site. Trellises are proposed at entrance/exits fronting on Long Beach Boulevard and Pennsylvania Avenue.
8. Pennsylvania Avenue is a narrow street; designated as a 30 foot right of way, with a travel portion of approximately 19 feet. The houses on the west side of Pennsylvania Avenue; consist of older cottages, some rebuilt,

with minimum front yard setbacks. Residents of Pennsylvania Avenue are concerned with the safety of their families and guests; and their property as a result of the proposed parking configuration, where vehicles will be backing into Pennsylvania Avenue to leave the site; they also are concerned with the increase in traffic that will result from Applicants business venue at the property.

9. Residents of Pennsylvania Avenue also expressed concern to the activity to be conducted within the outside dining area which may interfere with their quiet enjoyment of their properties; and they expressed concern with delivery vehicles using Pennsylvania Avenue to effectuate deliveries to the property; and also deliveries occurring early in the morning;
10. The Board is aware of the proximity of the homes on Pennsylvania Avenue to the traveled portion of the street. The Board also notes that the parking deficiency is substantial and that the outdoor seating area; if not controlled, could interfere with the adjacent residential uses across Pennsylvania Avenue.
11. Applicant represents that there will not be any early morning deliveries, before 7:00AM; they also represented to the Board that they will turn off the lights at the outside seating area at 10 PM: and will close that area from use by their customers at that time; they also will not provide or permit any music or other entertainment within the outside seating area after 8:00PM.
12. Applicants have amended their request to limit the outdoor seating to 32 seats; the indoor seating will remain at ten 10 seats; they will revise their parking plan to provide angled parking within the rear of the lot, perpendicular to the building and parallel to Pennsylvania Avenue; relocating the rear stockade fence to the east; aligning the handicap accessible space closest to the building; and providing a pattern where the vehicles will exit the parking area without backing into Pennsylvania Avenue.
13. Applicant will also modify their plan and development to provide a bicycle rack at the property for their patrons.
14. Applicants also testified that they will limit employee parking at the rear of the building and outside seating area; they testified that their employees will not be utilizing the on-site parking spaces; and that both members of applicant will park only one vehicle at the property.
15. Notwithstanding the outside seating, applicants do not propose waiter/waitress service; all food will be delivered to patrons from the interior of the store.
16. The Board finds that deliveries by truck should not be permitted on Pennsylvania Avenue; as the influx of trucks to service applicants business will have a deleterious effect upon adjoining residential properties and uses on the west side of Pennsylvania Avenue.
17. The lighting proposed, two (2) building mounted light fixtures at a height of 10 feet; and two (2) ground mounted flood lights, conform to Ordinance requirements; the lighting will be properly shielded from intruding upon the surrounding residential properties.
18. All signage will adhere to Borough Ordinance requirements.
19. Applicant will further modify the plan to relocate the trash containers closer to Pennsylvania Avenue to create a greater separation from the adjoining residential property; said location to be approved by the Board Engineer.
20. The Board adopts the April 11, 2018 letter of Frank J. Little, Jr. entered into evidence as 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 1809 Long Beach Boulevard, LLC and 1815A Long Beach Boulevard, LLC for variances together with site plan approval to permit interior seating for ten (10) patrons within 1815 Long Beach Boulevard Unit A, Lot 1 C-A Block 55, Ship Bottom, New Jersey in conjunction with the interior renovations changing that unit from a florist shop to a bagel shop; which renovation and change of use was administratively approved by the Zoning and Building Departments of Ship Bottom; and to permit the improvement of an outside dining area with 32 seats at the adjoining property, 1809 Long Beach Boulevard, Lot 2.01 Block 55, Ship Bottom, New Jersey, may be granted without substantial detriment to the public good and without

impairing the intent and purposes of the zoning ordinances of the Borough of Ship Bottom, as the use is permitted; applicants will stop any music within the outdoor seating area at 8:00 PM and shall close the outside seating area extinguishing all lights at 10:00PM to avoid interference with the adjacent residential uses. Applicant will relocate their trash receptacle to distance same from the adjacent residential property. There will not be any truck deliveries on Pennsylvania Avenue and the parking area will be reconfigured to eliminate vehicles backing onto Pennsylvania Avenue. Applicant shall also limit their employees from parking on Pennsylvania Avenue. The outside seating area is within the property lines of the property and will not impede any of the adjacent uses predicate upon the hours of operation and nature of the use represented by applicants.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of 1809 Long Beach Boulevard, LLC and 1815A Long Beach Boulevard, LLC for variances together with site plan approval to permit interior seating for ten (10) patrons within 1815 Long Beach Boulevard Unit A, Lot 1 C-A Block 55, Ship Bottom, New Jersey in conjunction with the interior renovations changing that unit from a florist shop to a bagel shop; which renovation and change of use was administratively approved by the Zoning and Building Departments of Ship Bottom; and to permit the improvement of an outside dining area with 32 seats at the adjoining property, 1809 Long Beach Boulevard, Lot 2.01 Block 55, Ship Bottom, 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 April 11, 2018, as entered into evidence as Exhibit B-1 and modified by testimony at the hearing.

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; including all municipal codes and requirements of the Board of Health.

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 April 18, 2018 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant providing revised plans relocating the trash containers closer to Pennsylvania Avenue, separating same from the adjacent residential use; modifying the parking plan to provide angled parking, to eliminate automobiles backing onto Pennsylvania Avenue; providing a note that "Should any portion of the curb or sidewalk be deteriorated or below design standards, it shall be removed and replaced at the direction of the Borough Engineer" and providing for a bicycle rack.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon the outdoor seating area being closed at 10:00 PM with all lights being extinguished; and any music or other entertainment being terminated at 8:00 PM; applicant maintaining hours of operation not to exceed 6:30Am to 10:00 PM; exterior lighting conforming to Borough Ordinances, and being appropriately shielded not to encroach on surrounding residential properties; deliveries by truck are prohibited on Pennsylvania Avenue; wait service shall not be provided within or to the outdoor seating area; trash containers shall remain covered ; and applicants shall limit their employees from parking on Pennsylvania Avenue.

BE IT FURTHER RESOLVED that the approvals contained herein are subject to and conditioned upon the two (2) properties being operated in consort with each other; in the event the usage of the properties are modified this approval shall lapse and the

parties will require approval from this Board or its successor for any additional use; the limited parking provided is for the seating and operation of both lots.

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

- B. DOCKET NO. 18:05
701 CENTRAL AVE., LLC
701 CENTRAL AVENUE
BLOCK 109 LOT 1.01

A motion to approve this resolution was made by Mr. Hay and seconded by Vice Chairman Tallon. 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. 2018:04**

WHEREAS, 701 Central Avenue, LLC has made application to the Land Use Review Board of the Borough of Ship Bottom for Preliminary and Final Major Site Plan approval with variance to construct a mixed use structure containing 4730 sq. ft. of office space and an attached 1060 sq. ft. restaurant (coffee and/or smoothie type shop) with outdoor seating as well as an associated paved surface parking and other site infrastructure at property known and designated as Lot 1.01, Block 109; 701 Central Avenue in the Borough of Ship Bottom, County of Ocean and State of New Jersey.

The application requests a variance from Ordinance Section 16.48.010G(1) which requires that all principal buildings, excluding offices, provide one (1) loading space at least 15 ft x 40 ft within the rear or side yard.

WHEREAS, the Land Use Review Board considered this application at a public hearing on April 18, 2018. The applicant was represented by Richard P. Visotcky, Esq. The application received February 23, 2018 was entered into evidence as Exhibit A-1; the architectural plans prepared by Haley, Donovan Architecture, LLC. Title “Walters Group, 701 Central Avenue, Block 109, Lot 1.01 Ship Bottom, NJ” (4 pages) dated 2/22/18 under the signature of Michael R. Donovan, was entered into evidence as Exhibit A-2; Preliminary and Final Major Site Plan prepared by Matrixneworld, titled “Preliminary and Final Major Site Plan, Walters Group, 701 Central Avenue, Block 109, Lot 1.01 situated in Borough of Ship Bottom, Ocean County, New Jersey dated 2/12/18 consisting of twelve (12) sheets was entered into evidence as Exhibit A-3; Proposed Stormwater Management Plan prepared by Matrixneworld, Title “Proposed Stormwater Management” entered into evidence as Exhibit A-4; Color photos (2) entered into evidence as Exhibit A-5; The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated March 15, 2018 was entered into evidence as Exhibit B-1. Testimony was offered by Sean M. Savage, P.E., who was qualified as an expert in engineering; James Haley, A.I.A., licensed architect who was qualified as an expert in architecture; William Hitchcock, environmental consultant; Edward Walters, one of the principal of the applicant; John McCormack, P.E., professional engineer who was qualified as an expert in engineering and traffic. Public comment was offered; and

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

1. All jurisdictional requirements have been met.
2. The applicant represents through counsel and his own testimony that he has the permission of the property owner to make the application and is authorized to testify on behalf of the applicant, a New Jersey Limited Liability Company, of which he is a member.
3. The applicant is the contract purchaser of the property. The property is located in the GC- General Commercial Zone. The property consists of a lot with dimensions of 100 feet by 200 feet and is conforming.
4. Presently the site is vacant., The site is subject of a remediation plan which the applicant’s witness has testified affects the southernly corner of the lot more than thirty (30) feet from the proposed structure. The applicant’s environmental consultant testified that the proposed

- development would not negatively affect the ongoing remediation which is likely to conclude around the end of 2018.
5. The applicant proposes to construct a new mixed use structure containing 4730 sq. ft. of office space and an attached 1060 sq. ft. restaurant. (coffee and/or smoothie type shop) with outdoor seating as well as an associated paved surface parking and other site infrastructure.
 6. The applicant made the following amendments to the application:
 - a. Entrance on 8th Avenue will be designated an entrance only and reconfigured to facilitate this one-way movement.
 - b. Hours of operation for the restaurant shall be between 6 A.M. and 10 P.M. seven days a week.
 - c. Refuse shall be stored in the designated refuse area with the trash receptacles removed by the carting company for pick-up and returned to the refuse area. No containers shall be placed curbside.
 7. The witness testified that the property will be constructed in compliance with applicable FEMA requirements and all building, fire and safety Codes.
 8. Applicant will submit revised plans conforming to the agreed upon addendums.
 9. The Board adopts the contents of the Review letter Frank J. Little, P.E., P.P., dated January 11, 2018, entered into evidence as Exhibit B-1, as if set forth herein at length.
 10. The applicant has indicated that the issue of signage has not been finalized at this time but that no variances are requested. All signage shall comply with applicable ordinances.

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the applicant has satisfied the positive and negative criteria necessary for the granting of the Variance from Ordinance 16.48.010.G(1) which requires a loading area provided for the restaurant use. Specifically, the Board determines that the detriment to aesthetics, parking and traffic flow would be negatively impacted by a loading zone and outweighs any positive benefit of a loading zone for a relatively small restaurant encompassing 1060 sq. ft. The granting of the variance would not impair the ordinances and master plan of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Borough of Ship Bottom that the application of 701 Central Avenue, LLC which has made application to the Land Use Review Board of the Borough of Ship Bottom for amended preliminary and final major site plan approval together with variance to construct a mixed-use building consisting of a small restaurant and office space at property located at 701 Central Avenue Lot 1.01, Block 109 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 application 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 25, 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 April 18, 2018 when this matter was considered.

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

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

ADJOURNMENT:

On a motion by Mr. Hay seconded by Mr. Dixon and an all aye vote, Chairman Cooper adjourned the meeting at 8:35 P.M.

Sara Gresko, Secretary
Land Use Review Board