

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 July 18, 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 July 18, 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 if the Master Plan needed to be approved by the governing body. Frank Little responded that if there were recommendations for ordinance changes that would be forwarded to the governing body for their consideration.

Councilman Butkus questioned whether the dune fronts were addressed in the Master Plan. There was discussion as to whether these regulations should remain in the Land Development chapter or be in a chapter of their own.

Stuart Snyder had discussion regarding the Diane-Borsellino case. Received remand order from the court stating the board has 120 days to act upon the application.

Mr. Dixon had a question regarding the site triangle on 6th Street and Central Avenue.

REGULAR MEETING

Chairman Cooper stated the following:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:04 P.M. and the date is July 18, 2018. 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 August 15, 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. 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 June 20, 2018 meeting were presented to the Board. On a motion by Mr. Bishop, seconded by Mr. Basile, the minutes were approved as submitted.

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

OLD BUSINESS: NONE

NEW BUSINESS:

DOCKET NO. 18:11
FRANCESO & CAROL DIMEGLIO
222 W. 21ST STREET
BLOCK 40 LOT 12

James S. Raban Esq. representing the applicant requested the application be carried.

A motion to carry this application until further notice was made by Councilman English and seconded by Mr. Basile.

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

(A) DOCKET NO. 18:09
MICHAEL & KATHLEEN BOWE
240 WEST 22ND ST.
BLOCK 35 LOT 13

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, four (4) sheets, prepared by Michael A. Strunk, 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 single family dwelling.

Leon Tyszka, professional land surveyor, was sworn in for testimony.

Vice Chairman Tallon had a question regarding the elevation of the entryway.

Michael Strunk, professional architect, sworn in for testimony.

Michael and Kathleen Bowe, applicants, sworn in for testimony.

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 Councilman English, seconded by Councilman Butkus and all in favor vote, all aye, the public portion was closed.

Mr. Raban provided closing statements and discussion ensued amongst the Board and requested a temporary resolution to be written at the end of the meeting.

A motion to approve this application was made by Councilman English and seconded by Councilman Butkus with the condition to raise the elevation of the entry way to 10 feet.

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

Councilman English and Councilman Butkus excused themselves from the meeting at

7:30 P.M. due to the nature of the application.

(B) DOCKET NO. 18:10
PETER & CARA STROFFOLINO
114 E. 19TH STREET
BLOCK 46 LOT 7.01, 7.02 & 7.03

Robert Shinn, 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 & Yoder, Inc.
A-3 Architectural Plans, one (1) sheet, prepared by Craig W. Brearley, Architect
A-4 Master Deed
B-1 Review letter prepared by Owen, Little & Associates
A-5 Ten (10) colorized photos
A-6 One (1) By-laws letter to home owners Clark and Haws

Robert Shinn, Esq. representing the applicant, requesting lot coverage, imperious coverage and a special use variance as the proposal structure is part of a multi-residential use not allowed in the R-3 zone.

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

There were some questions from the board.

Tyson, Craig Brearley, professional architect and Peter Stroffolino, applicant, provided testimony.

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

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

Mr. Shinn 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. Basile.

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

RESOLUTIONS:

(A) DOCKET NO. 18:09
MICHAEL & KATHLEEN BOWE
240 WEST 22ND ST.
BLOCK 35 LOT 13

A motion to approve this resolution was made by Mr. Hay and seconded by Ms. Schmidt. It is as follows:

TEMPORARY 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. 2018:09V

WHEREAS, Michael Bowe and Kathleen Bowe have made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit the demolition of the existing one story single family dwelling and construction of a new two story single family dwelling with a ten (10') foot front yard setback from East Bay Terrace at property located at 240 W. 22nd Street, Lot 13 Block 35 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 July 18, 2018. The applicants were represented by James S. Raban, Esq. The application dated June 8, 2018 was entered into evidence as Exhibit A-1; the plan prepared by Nelke/Tyszka Land Surveyors, LLC, titled "Variance Plan T.M. Lot 13 Block 35 Tax Map Sheet #6 Borough of Ship Bottom, Ocean County, New Jersey" dated May 24, 2018 under signature and seal of Leon J. Tyszka, PLS was entered into evidence as Exhibit A-2; the plans prepared by Michael H. Strunk, Architect L.L.C. titled "The Bowe Single Family Residence 240 W. 22nd Street, Lot 13 Block 35, Borough of Ship Bottom, Ocean County, N.J." containing Sheets A1: A2; A3 & A4 dated May 25, 2018 under signature and seal of Michael H. Strunk was entered into evidence as Exhibit A-3. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated July 12, 2018 was entered into evidence as Exhibit B-1. Testimony was offered by Leon Tyszka, applicant's Professional Land Surveyor, Michael H. Strunk, applicants architect and by the applicants Kathleen Bowe and Michael Bowe. There was not any public comment; and

WHEREAS, the Land Use Review board after considering the Application, documentation entered into evidence and testimony of the witnesses, voted to approve the application for a front yard setback variance permitting a front yard setback of ten (10') feet from East Bay Terrace subject to conditions; and

WHEREAS, the Final Resolution of Memorialization will be adopted at the August 15, 2018 meeting of the Board and a Temporary Resolution of Memorialization will enable applicants to procure demolition and building permits and commence construction of the new home.

WHEREAS, notwithstanding the issuance and the receipt of this Temporary Resolution of Memorialization, applicants will adhere to all conditions imposed by the Resolution of Memorialization to be adopted by the Land Use Board on August 15, 2018. Applicant is not relieved from any conditions of said final approval, to be hereafter adopted, by the issuance of this Temporary Resolution, including but not limited to construction, fire and safety code compliance; FEMA compliance; and permitting for the contemplated work and all other terms and conditions placed on the record on July 18, 2018; a certificate of occupancy shall not issue until adoption of the final Resolution and compliance therewith.

NOW THEREFORE BE IT RESOLVED; that applicants herein, Michael Bowe and Kathleen Bowe are authorized to receive permits to demolish the existing structures and to obtain permits and construct a new two story single family home, as shown on Exhibit A-3; with a front yard setback of ten (10') feet from East Bay Terrace at property located at 240 W. 22nd Street, Lot 13 Block 35 in the Borough of Ship Bottom, County of Ocean and State of New Jersey; in accordance with the terms contained herein.

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

BOARD BUSINESS:

There was discussion regarding the ordinances 2018-08 and 2018-09.

ADJOURNMENT:

On a motion by Mr. Hay seconded by Ms. Schmidt and an all aye vote, Chairman Cooper adjourned the meeting at 8:15 P.M.

Sara Gresko, Secretary
Land Use Review Board