

**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 August 21, 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 August 21, 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 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 7:01 P.M. and the date is August 21, 2019. The time, date and location of this meeting is listed in Resolution 2019-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 September 18, 2019.

The conduct of this meeting is being recorded so all testimony can be clearly heard. At the appropriate time, the meeting will open to the public for any questions and comments. Maximum time period allowed to present testimony, witnesses and other proofs are limited to one hour and may be extended only at the discretion of the board. The meeting will adjourn at 10:30 P.M. with no further testimony being taken unless otherwise ordered at the discretion of the Board. All electronic devices and mobile phones should be turned off at this time.

Will the secretary please call the roll.

Roll call of members: Mr. Bishop, Mr. Dixon, Mr. Hay, Ms. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman Cooper, present. Council English, Councilman Butkus, Mr. Basile and Mr. Yankowski, absent.

Also in attendance were the 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 July 17, 2019 meeting were presented to the Board. On a motion by Mr. Bishop, seconded by MS. Schmidt, the minutes were approved as submitted.

Roll Call Vote: Mr. Bishop, MS. Schmidt, Mr. Fenimore, Vice Chairman Tallon and Chairman cooper all aye. Mr. Dixon and Mr. Hay abstained.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

- A. DOCKET NO. 19:12  
JOSEPH DAMATO

1701 BAY TERRACE  
BLOCK 61 LOT 9

James Raban, Esq., representing the applicants requesting to raise existing dwelling and add additional floor of living space. Demoing existing detached garage.  
Rear yard setback, side yard setback, building coverage.

The following were marked into evidence by Mr. Quinlan:

A-1 Application

A-2 Architectural Plans, two (2) sheets, prepared by Dario Pasquariello, Architect

A-3 Plot Plan of Survey, prepared by Nelke/Tyszka Land Surveyors, LLC

B-1 Review letter prepared by Owen, Little & Associates

Leon Tyszka, licensed surveyor, provided testimony.

Joseph Damato, applicant and owner provided testimony.

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

Kristina Latoof, 1705 Bay Terrace, in support of application.

Not recognizing anyone else from the public, on a motion made by Ms. Schmidt, seconded by Mr. Dixon and all in favor vote, all aye, 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 Mr. Dixon with the following conditions:

- AC unit roof installed on roof or outside deck
- Recess garage door at least 3ft on Bay Terrace side to allow parking
- 33-foot height granted due to fill ordinance
- Label parking spots on revised plans
- No windows permitted in newly constructed walls less than 3 feet to the property line per International Residential Code 2015.

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

**RESOLUTIONS:**

- A. DOCKET NO. 19:10  
TRITON PARTNERS, LLC  
2020 LONG BEACH BLVD.  
BLOCK 45, LOTS 14, 15 &16

A motion to approve this resolution was made by Ms. Schmidt, 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. 2019:10 V/SP**

**WHEREAS**, Triton Partners, L.L.C. has made application to the Land Use Review Board of the Borough of Ship Bottom for variances and Site Plan approval to develop the property located at 2020 Long Beach Boulevard, known and designated as Lots 14, 15 & 16 Block 45 located on the northeast corner of Long Beach Boulevard at 21<sup>st</sup> Street with a two story raised building containing two (2) conforming commercial uses on the first floor and four (4) apartments on the second floor. The property is located in the SC Shore Commercial Zone; and

**WHEREAS**, the Land Use Review Board considered this application at a public hearing conducted on July 17, 2019. The applicant was represented by Nicholas F.

Talvacchia, Esq. The application dated April 5, 2019 as amended on June 4, 2019 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. entitled “Site Plan Lots 14, 15 & 16 Block 45 Tax Map Sheet #5 Borough of Ship Bottom, Ocean County, New Jersey” containing two (2) sheets, Sheet 1 of 2 titled Site Plan and Sheet 2 of 2 titled Site Plan – details; dated March 13, 2019, with a final revision date of May 31, 2019 under signatures and seals of James D. Brzozowski, PE, PP and Robert G. de Blois, Professional Land Surveyor was entered into evidence as Exhibit A-2; the plans prepared by Michael Pagnotta Architecture + Construction titled “Triton Partners, LLC 2020 Long Beach Blvd Lot 14/ Block 45 Ocean County, New Jersey” containing Sheet A1 and Sheet A2 dated May 23, 2019 under signature and seal of Michael Pagnotta was entered into evidence as Exhibit A-3; a daytime computer rendering prepared by Michael Pagnotta was entered into evidence as Exhibit A-4; a nighttime computer rendering prepared by Michael Pagnotta was entered into evidence as Exhibit A-5; and a revised site plan prepared by Horn, Tyson & Yoder, Inc. dated June 19, 2019 was entered into evidence as Exhibit A-6. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, dated June 12, 2019, Second Review, was entered into evidence as Exhibit B-1. The memorandum from Ship Bottom Volunteer Fire Company, Ocean County Station 46; dated June 17, 2019 from Todd MacLennan, Ship Bottom Fire Chief, was entered into evidence as Exhibit B-2. Testimony was offered by James D. Brzozowski, P.E, P.P., the applicants’ engineer and Planner and Michael Pagnotta, applicant’s architect and a principal of applicant. Public comment was offered by Anthony Pessolano, an owner of Joe Pops, the adjoining property operated as a bar and restaurant with an outside bar adjoining the subject property; and

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

1. All jurisdictional requirements have been met.
2. This property is located in the SC- Shore Commercial Zone; it is located on the northeast corner of 21<sup>st</sup> Street and Long Beach Boulevard currently improved with a 120 seat restaurant commonly known as Bisque; together with an apartment on the second story. The lot fronts on 170.00 feet on Long Beach Boulevard and 130.00 feet on 21<sup>st</sup> Street.
3. Applicant proposes to demolish the existing building at the site; and construct a two (2) story mixed use building, thereon; two (2) conforming commercial stores on the first floor; with four (4) apartments on the second story. Each apartment will have three (3) bedrooms and two (2) bathrooms; and its own means of access and egress.
4. Applicant is proposing 18 parking spaces; eight (8) being located at the west side of the drive aisle in the rear of the building with nine (9) spaces along the east side of the drive aisle, and one handicap accessible space at the north end of the drive aisle.
5. The permitted building height in the zone is 35 feet; applicant proposes a building height of 32 feet to the top of the building, with a height of 33.1 feet to the top of the roof top railings.
6. Applicant proposes to construct the building at elevation 7 feet; which is 2.5 feet above grade. The building will be flood proofed to elevation 9 foot; to conform to FEMA requirements.
7. The configuration proposed is 2,116 square feet of commercial space on the first floor. The commercial uses at the building shall comply with the terms and requirements of Ordinance Section 16.44.010.
8. Applicant is requesting variance relief to permit four (4) accessory apartment units; where one (1) accessory apartment unit is permitted by ordinance; a special reasons variance from the density requirements of the ordinance under NJSA 40:55D-70 d. is necessary to permit this project to proceed.
9. The existing front yard setback from Long Beach Boulevard is 0.6 feet; applicant proposes a front yard setback of 0.3 feet, variance relief is required; the existing front yard setback from 21<sup>st</sup> Street is 0.8 feet; applicant proposes a front yard setback of 0.3 feet; variance relief is required; the proposed side yard setback of 5.7 feet and rear yard setback of 41.5 feet conform to the ordinance requirements.
10. Many of the commercial buildings fronting on Long Beach Boulevard maintain minimal setbacks. In this instance the minimal setbacks provide

for adequate parking in the rear, and open space to the adjoining residential development to the east. Applicant is providing a five (5') foot landscaped buffer to the residential property to the east. They propose to plant Leyland Cypress trees; as reflected on the plan.

11. The existing building coverage is nonconforming at 41.62 per cent; applicant proposes to increase the building coverage to 54.2 per cent; however lot coverage will conform at 84.27 %. The parking area will be surfaced with crushed shells.
12. Applicant will adhere to the fire codes; they will comply with the suggestions of the Ship Bottom Volunteer Fire Company, with the proviso that the building will only be sprinkled if required by code. Applicant does not intent to exceed code requirements. They will install the requested standpipe.
13. The adjoining property owner alerted the applicant that the proposed development is adjacent to a bar and restaurant that provides live entertainment; and maintains hours into the early morning; he did not object the project but requests that full disclosure be provided to prospective residential tenants and purchasers.
14. The Board finds that the proposed development is aesthetically pleasing, and although variance relief is required; predicated upon applicant meeting parking requirements, the purposes of the 2018 reexamination of the Master Plan may be met.
15. A waiver from the Municipal site triangle requirements may be granted; due to the width of Long Beach Boulevard; the wide sidewalks; and the service road adjoining the Boulevard with on street parking.
16. The Board adopts the letter of Frank J. Little, P.E.; P.P.; C.M.E., the Board Engineer, dated June 12, 2019, 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 applicant, Triton Partners, L.L.C. for variances and Site Plan approval to develop the property located at 2020 Long Beach Boulevard, known and designated as Lots 14, 15 & 16 Block 45 located on the northeast corner of Long Beach Boulevard and 21st Street with a two story raised building containing two (2) conforming commercial uses on the first floor and four (4) apartments on the second floor, in accordance with the plan of Horn, Tyson and Yoder, Inc. dated March 13, 2019 with a final revision date of June 19, 2019, located in the SC Shore Commercial Zone 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 setbacks will substantially conform to other developments on Long Beach Boulevard; there is conforming parking for the proposed uses; applicant shall comply with FEMA regulations; the development will satisfy the objectives of the 2018 review of the Master Plan; the building will be aesthetically pleasing; and there is adequate open space and buffering between the building and the adjoining residential use.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Review Board of the Borough of Ship Bottom that the application of Triton Partners, L.L.C. for variances and Site Plan approval to develop the property located at 2020 Long Beach Boulevard, known and designated as Lots 14, 15 & 16 Block 45 located on the northeast corner of Long Beach Boulevard and 21st Street with a two story raised building containing two (2) conforming commercial uses on the first floor and four (4) apartments on the second floor, in accordance with the plan of Horn, Tyson and Yoder, Inc. dated March 13, 2019 with a final revision date of June 19, 2019; 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 June 12, 2019, as entered into evidence as Exhibit B-1; and applicant complying with all other technical revisions as may be required by the Board engineer.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicant submitting revised plans as set forth in the

body of this resolution; said plans shall be subject to the approval of the Board Engineer. The plans shall note that the parking lot will be comprised of crushed shell and wheel stops in accordance with Ordinance Section 16.52.080(B.1) and shall provide for curbing around the perimeter. Unit numbers shall be assigned to residential spaces, with appropriate signage

**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. Applicant will comply with all buffer requirements, sign ordinances and drainage requirements of the Borough and as set forth by the Board Engineer. Applicant shall comply with fire safety codes and the requirements set forth in the memorandum dated June 17, 2019 entered into evidence as Exhibit B-2; with the proviso that applicant is not required to install a sprinkler system within the building, unless mandated by code or statute. The building will maintain an elevation of 7 feet and be flood proofed to 9 feet.

**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, including but not limited to Ocean County Planning Board approval; and approval from the Ship Bottom Water and Sewer Departments.

**BE IT FURTHER RESOLVED** that this approval is subject to any commercial uses at the first floor of the building complies with all use and zoning requirements set forth in Ship Bottom Ordinance 16.44.010.

**BE IT FURTHER RESOLVED** that this approval is further subject to and conditioned upon applicant provided copies of all Master Deeds, By-Laws, rules and regulation and any and all deed restrictions being provided to the Board Secretary, Chair, Solicitor and Engineer/Planner for the Board, for the Boards approval as a condition precedent to recording same. Said documents shall disclose that the property is located adjacent to a bar and restaurant that provides outdoor seating and entertainment.

**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. 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 this approval is subject to all conditions as set forth herein and as placed on the record at the public hearings conducted on July 17, 2019 and all representations of applicants, its witnesses and representatives, when this matter was considered.

**BE IT FURTHER RESOLVED** that applicant will repair/replace and install curbs and sidewalks along Long Beach Boulevard and 21<sup>st</sup> Street in accordance with Borough Ordinances and as directed by the Borough Engineer. Applicant will also attend to all upgrades as may be required to meet current storm water codes, as required by the Sewer and Water Department and Borough Engineer. The applicant will also upgrade and replace the existing water and sewer services, if required by the Water and Sewer Department, and as directed by the Borough Engineer.

Roll Call: Mr. Basile, Mr. Bishop, Ms. Schmidt, Mr. Fenimore, Mr. Yankowski, Vice Chairman Tallon, Chairman Cooper, all aye.

**ADJOURNMENT:**

On a motion by Ms. Schmidt seconded by Mr. Dixon and an all aye vote, Chairman Cooper adjourned the meeting at 7:40 P.M.

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Sara Gresko, Secretary  
Land Use Review Board