

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 September 18, 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 September 18, 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 had discussion regarding the 701 Central Ave., LCC application moving forward with the county and asked if any board members would like to attend the League of Municipalities Conference in November.

Chairman Cooper opened the Regular Meeting.

REGULAR MEETING

Chairman Cooper stated the following:

The Meeting of the Ship Bottom Land Use Review Board will come to order. The time is 7:02 P.M. and the date is September 18, 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 October 16, 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. Fenimore, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon, Mr. Yankowski, Mr. Basile, Chairman Cooper. Councilman Butkus and Councilman English, absent.

Mr. Snyder noted that Councilman Butkus and Councilman English could not attend the meeting due to the nature of the application.

Also in attendance were the Board Attorney, Stuart D. Snyder, Esq., the Board Engineer/Planner, Douglas Klee 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 August 21, 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, Mr. Dixon, Mr. Fenimore, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon, Mr. Yankowski and Chairman Cooper, all aye.

OLD BUSINESS: NONE

NEW BUSINESS:

- A. DOCKET NO. 19:13
 RICKE TALBOT
 512 LONG BEACH BLVD.
 BLOCK 117 LOT 13

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

The following were marked into evidence by Mr. Snyder:

- A-1 Application
- A-2 Variance Plan, prepared by Robert B. Kuhne, Najarian Associates
- A-3 Architectural Plans, two (2) sheets, prepared by Walters Architecture
- B-1 Review letter prepared by Owen, Little & Associates

Mr. Raban asked the following to be marked into evidence:

- A-4 Existing Property Survey, prepared by Harry J. Widdis, Najarian Associates

Robert Kuhne, professional engineer, Arnold Boyle, licensed architect and Ricke Talbot, applicant, all sworn in and provided testimony.

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

Luciano Paone, 514 Long Beach Blvd., in support of the application.

Not recognizing anyone else from the public, on a motion made by Ms. Schmidt, seconded by Mr. Bishop 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 Ms. Schmidt and seconded by Mr. Bishop with the condition to receive county approval for a driveway apron.

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

BOARD BUSINESS:

Mr. Snyder and the board had discussion regarding the following cases:

- Diane-Amberg Borsellino (Docket 17:10)
- Wainwright Amusements LLC (Docket 19:05)
- The Baldwin Residence, LLC (Docket 19:06)
- Lisa Kudisch (Docket 19:07)

RESOLUTIONS:

- A. DOCKET NO. 19:12
 JOSEPH DAMATO
 1701 BAY TERRACE
 BLOCK 61 LOT 9

A motion to approve this resolution was made by Mr. Hay, seconded by Mr. Bishop. 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. 19:12**

WHEREAS, Joseph Damato has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit improvements to the existing Single Family dwelling by raising the first level of the existing dwelling and add an additional floor of level space underneath the existing structure and add a 11.7 ft x 12 ft. two story addition on the easterly side at the property known and designated at Lot 9, Block 61; 1701 Bay Terrace 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 August 21, 2019. The applicant was represented by James S. Raban, Esq. The application received July 19, 2019 was entered into evidence as Exhibit A-1; Architectural Plans prepared by Dario Architecture Design, titled "Damato (sic) Construction, 1701 17th Avenue, Ship Bottom, Ocean County, New Jersey dated 1/14/19 consisting of two (2) sheets was entered in to evidence as Exhibit A-2; Variance Plan prepared by Nelke/Tyska Land Surveyors, LLC dated 3/8/18 consisting of one sheet was entered into evidence as Exhibit A-3. A review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated August 14, 2019 was entered into evidence as Exhibit B-1. Testimony was given by Leon Tyszka, P.L.S who was qualified as an expert in Surveying. Testimony was given by Joseph Damato the applicant and property owner. Public comment was offered by Krist Latoof, 1705 Bay Terrace, Ship Bottom and;

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

1. All jurisdictional requirements have been met.
2. The Joseph Damato testified that he is the owner of the property and has the authority to make the application.
3. The property is located in the R-2 Single Family Residential District.
4. Presently on the site is one (1) single family dwelling and detached garage.
5. The property presently has the following pre-existing non-conformities:
 - a) Existing Lot Area is 1430 SF where 4000 SF is required.
 - b) Existing Lot Width is 20 FT where 40 FT is required.
 - c) Existing Lot Frontage of 20 FT where 30 FT is required.
 - d) Existing Lot Depth is 71.5 FT where 100 FT is required.
 - e) Existing Front Yard Setback on 17th Street is 1 FT where 15 FT is required.
 - f) Existing Rear Yard Setback is 0 FT where 20 FT is required.
 - g) Existing Side Yard Setback is .7 FT where 10 FT is required.
 - h) Existing Building Coverage is 80.4% where 35% is the maximum permitted.
 - i) Detached garage encroaches into the sight triangle.
6. The surrounding properties are fully developed and there is no opportunity to acquire additional property to make same conforming.
7. The applicant proposes to raise the existing first level of the existing dwelling and add an additional floor of level space underneath the existing structure. The applicant also proposes to add a 11.7 FT x 12 FT two-floor addition on the easterly side of the property. The applicant proposes to demolish the existing non-conforming detached garage. The application agreed to amend the plans as follows:
 - a) Variance plan (Exhibit C) to be amended as follows:
 1. Correct the zoning table to reference two front yards and proposed building height of 33".
 2. Garage door on Bay Terrace to be recessed three (3) feet to provide an eighteen (18) foot deep parking stall.
 3. Depict one parking space in garage and one parking space off street.
 - b) The architectural plans (Exhibit B) will be amended as follows:
 1. Reflect three (3) foot recess of garage door on Bay Terrace.
 2. Remove windows from new construction (Great Room and

Utility Room) along northerly property line abutting 17 Th Street. Windows in new addition not to exceed 25%.

8. The witnesses testified that the property will be constructed in compliance with applicable FEMA requirements and all building, fire and safety Codes.
9. The Board determines that a minor encroachment into the sight triangle is permissible given the setback of the property line to the curb edge along 17th Street.
10. Mechanical units to be located on the roof of the structure or underneath but shall not increase building height or building coverage.
11. Applicant will submit revised plans conforming to the agreed upon addendums.
12. The Board adopts the contents of the Review Letter of Frank J. Little, PE, P.P., dated August 14, 2019, entered into evidence as Exhibit B-1, as if set forth herein at length.

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, Joseph Damato for variances to permit the raising of the existing single family dwelling and to construct a new floor underneath the existing structure and add a 11.7 FT by 12 FT addition at the property located at 1701 Bay Terrace, Lot 9, Block 61, Borough of Ship Bottom, County of Ocean and State of New Jersey can be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Ship Bottom, as there is a reduction in the pre-existing non-conforming building coverage, no detrimental impact on open air and light, the construction will comply with all current codes and FEMA requirements. The use is permitted and the raising of the house in this flood prone area will be safer for applicant and surrounding property owners; applicant has demonstrated the criteria for Special Reasons Variances pursuant to **NJSA 40:55D-709s) 1 and NJSA 40:55D-70(c)2**; the lot is unique by its substandard size; and is currently being used for residential purposes.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the relief requested by the applicant, Joseph Damato for variances and waivers to permit the raising of existing Single Family home and addition of a new floor of level space and 11.7 FT x. 12 FT addition on the existing lot with a front yard setback 1 FT and 4.13 FT on 17th Street; Rear yard setback of OFT; side yard setback of .7 FT; Building height not to exceed 33'; Two stories residential structure on undersized lot; building coverage of 66.4%; encroachment into sight triangle; at the property known and designated at Lot 6, Block 61; 1701 Bay Terrace in the Borough of Ship Bottom, County of Ocean and State of New Jersey, in accordance with the plans entered into evidence, be and hereby is conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant providing revised plans conforming to this Resolution.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicants' installation of curbing in accordance with Borough Codes and as directed and approved by the Borough Engineer and applicant providing a 12 FT curb cut.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned to Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr. P.E., P.P., and C.M.E., dated August 14, 2019, 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 this approval is subject to all conditions and representations as set forth herein and as placed on the record at the public hearing conducted on August 21, 2019 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: Mr. Bishop, Mr. Dixon, Mr. Fenimore, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon, Mr. Yankowski, Mr. Basile, Chairman Cooper, all aye.

ADJOURNMENT:

On a motion by Mr. Hay seconded by Ms. Schmidt and an all aye vote, Chairman Cooper adjourned the meeting at 7:46 P.M.

Sara Gresko, Secretary
Land Use Review Board