

**REGULAR& REORGANIZATION 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 January 20, 2016.

The Work Session was opened at 7:02 p.m. by Chairman Butkus who announced to all present that the requirements of the Public Notice of the Meeting and of the Open Public Meetings Act had been satisfied.

**REORGANIZATION MEETING:**

Mr. Snyder calls the reorganization meeting open.

Mr. Snyder asks for Councilman English and Mr. Butkus to stand to take their Oath of Offices.

Roll call of members: Councilman English, Mr. Butkus, Mr. Dixon, Mr. Hay, Ms. Schmidt and Ms. Tallon present. Mayor Huelsenbeck, Mr. Basile, Mr. Cooper and Mr. Panetta absent.

Mr. Snyder called for a nomination for the position of Chairman for the 2016 year. Mr. Dixon nominates Robert Butkus for Chairman. Mrs. Tallon seconds the nomination. No other nominations were made, all aye vote, Mr. Butkus takes the position of Chairman.

Mr. Butkus calls for nominations for the roll of Vice Chairman. Councilman English makes a nomination to appoint Joanne Tallon as Vice Chairman. Mr. Dixon seconds the nomination. There are no other nominations made. All aye vote and Ms. Tallon takes the position of Vice Chairman for the 2016 year.

The position of Board Secretary, a nomination for Danielle Mezzina was made by Councilman English, seconded by Ms. Schmidt. No other nominations were made. All in favor vote and Ms. Mezzina takes the position of Secretary for the 2016 year.

The position of alternate Board Secretary a nomination was made by Vice Chairman Tallon and seconded by Councilman English for Kathleen Wells. No other nominations and an all aye vote appoint Ms. Wells as alternate Board Secretary.

Mr. Butkus asks for a nomination for Board Engineer and Planner. Councilman English nominates Frank Little of Owen, Little and Associates as the Board Engineer and Planner, Mr. Hay seconds the nomination and an all in favor vote appoints Mr. Little as Board Engineer and Planner.

A motion was made to appoint Stuart Snyder as Board attorney by Mr. Hay, seconded by Councilman English and an all in favor vote. Mr. Snyder thanks the Board for another year.

**REORGANIZATION RESOLUTION:**

Mr. Snyder goes over the following reorganization resolution that lays out the upcoming year for the Board.

**RESOLUTION OF THE LAND USE REVIEW BOARD  
OF THE BOROUGH OF SHIP BOTTOM  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
REGARDING TIME AND DATES OF MEETINGS, DESIGNATING  
OFFICIAL NEWSPAPERS AND ADOPTING PROCEDURES FOR 2016  
2016-A**

**WHEREAS**, the Open Public Meetings Act is the law of the State of New Jersey and provides for public notice to be given pursuant to certain requirements concerning meetings of the Land Use Review Board of the Borough of Ship Bottom; and

**WHEREAS**, the Board is required to adopt a Resolution scheduling regular meetings, study sessions and such meetings as may be necessary to carry out the business of the Land Use Review Board; and

**NOW, THEREFORE, BE IT RESOLVED** that the following schedule is hereby adopted for the Land Use Review Board of the Borough of Ship Bottom until further notice.

The regular public business meetings of the Land Use Review Board of the Borough of Ship Bottom shall be held immediately following the Work Shop which begins at 7:00 p.m. on the third Wednesday of each month unless otherwise noticed. All meetings will be held at the Borough Hall, 1621 Long Beach Boulevard, Ship Bottom, NJ.

Therefore, pursuant to this Resolution the following dates for Work Shop and regular meetings shall be:

- Wednesday, January 20, 2016 (Reorganization and Regular Meeting)
- Wednesday, February 17, 2016
- Wednesday, March 16, 2016
- Wednesday, April 20, 2016
- Wednesday, May 18, 2016
- Wednesday, June 15, 2016
- Wednesday, July 20, 2016
- Wednesday, August 17, 2016
- Wednesday, September 21, 2016
- Wednesday, October 19, 2016
- Wednesday, November 16, 2016
- Wednesday, December 21, 2016
- Wednesday, January 18, 2017 (Reorganization and Regular Meeting)

The public shall not participate in the Work Shop or discussion, but may be present.

The Agenda of the regular meeting, to the extent known, shall be as follows:

1. Attend to Correspondence
2. Approval of Minutes of prior meeting
3. Disposition of Old Business
4. Disposition of New Business
5. Adoption of Resolutions
6. Business of the Board
7. Public Comment
8. Adjournment

**BE IT FURTHER RESOLVED** that the Land Use Review Board meetings shall adjourn at 10:30 p.m. with no further testimony being taken or other business conducted unless otherwise ordered by the discretion of the Board.

**BE IT FURTHER RESOLVED** that in the event additional meetings need to be held, notice will be given pursuant to law.

**BE IT FURTHER RESOLVED** that each applicant on the Agenda shall have a maximum time period of one (1) hour to present testimony, witnesses and other proofs in support of its case including the comments of objectors and the public.

**BE IT FURTHER RESOLVED** that the Board requires that all applications and appropriate plans in support thereof be filed with the Board Secretary as pursuant to Title 16 of the Borough Code.

**BE IT FURTHER RESOLVED** that the following newspapers are hereby designated as the official newspapers of the Borough of Ship Bottom Land Use Review Board, for notices and for matters as may be necessary according to law.

- I. Beach Haven Times
- II. Atlantic City Press
- III. Asbury Park Press

This notice shall be published once in the Beach Haven Times and the Asbury Park Press. No further publication of the regular meetings shall appear again until January, 2017.

**Adopted: January 20, 2016**

**Moved By: Hay**  
**Seconded By: English**  
**Roll Call Vote: English, Dixon, Hay, Schmidt, Tallon and Butkus**

**WORKSHOP MEETING:**

The workshop meeting was called to order by Councilman Butkus at 7:15 p.m..

Roll call of members: Councilman English, Mr. Butkus, Mr. Dixon, Mr. Hay, Ms. Schmidt and Ms. Tallon present. Mayor Huelsenbeck, Mr. Basile, Mr. Cooper and Mr. Panetta absent.

Councilman English asked Mr. Little a question regarding the handicap incline of the ramp at Dollar General. Mr. Little explains that it was taken care of.

**REGULAR MEETING:**

The Regular Meeting was called to order by Chairman Butkus at 7:17p.m.He informed all those present that this meeting met all the criteria of the Open Public Meetings Act.

Roll call of members: Councilman English, Mr. Butkus, Mr. Dixon, Mr. Hay, Ms. Schmidt and Ms. Tallon present. Mayor Huelsenbeck, Mr. Basile, Mr. Cooper and Mr. Panetta 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 Associatesand the Board Secretary, Danielle Mezzina.

**CORRESPONDENCE:**

The correspondence folder was passed around for all members to review.

**NEW BUSINESS:**

(A) DOCKET NO. 16:01  
URBANIK, RONALD & KATHLEEN  
130 E. 26<sup>TH</sup> STREET  
BLOCK 24, LOT3

Mr. Little is sworn in by Mr. Snyder.

Richard Visotcky representing the applicants.

The following were marked into evidence by Mr. Snyder:

- A-1 Application
- A-2 Variance map prepared by Horn, Tyson and Yoder
- A-3 Architectural plans prepared by Jay Madden
- A-4 8x10 Photograph
- A-5 2, 5x7 photographs
- A-6 2, sheets of revised elevation and floor plan dated 1/19/16
- A-7 5x7 photograph of the inside of the living room
- B-1 Review letter prepared by Owen, Little & Associates
- B-2 84-13 Resolution for the property

Proposing to enclose the recessed deck on the second floor level and add additional deck area to the second floor. Approximately 12 square feet to be added, .7% increase to the building coverage. This is an undersized lot with existing non-conformities.

A resolution from 1984 was read and marked into evidence as B-2 by Mr. Snyder.

Ron Urbanik sworn in by Mr. Snyder.

James Brozowski sworn in as professional engineer/planner for the applicant. Prepared the variance map for the applicant. Mr. Brzowski explains the property as it exists and what is proposed. Photographs were entered into evidence depicting the existing property. Curbing will be added to both frontages.

Jay Madden, professional architect for the applicant. Modifications were made to the plans and were submitted as A-6. Mr. Madden explains the revisions. A 4ft by 4ft triangle was cut off the corner of the proposed enclosed area. An 8in overhang is now proposed as well as glass railing. Discussion ensued.

Ron Urbanik, property owner and applicant. Uses the property as a rental property and mainly rents to families, limited the number of tenants to 8 people. They also use it as a second home. Shows a photograph of the inside of the living room which depicts the stairwell and how expanding the living room area will benefit them. The rooftop deck will be beneficial to the applicants since the property doesn't have any yard space. Corresponded with the neighbors regarding the proposal and what they would like to see and modified the application to suit the neighbor's request.

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

Deedra Martin Esq., representing Janet & Dominick Anfuso, 128 E. 26<sup>th</sup> Street, they are in support of the modified plans.

Margret Carson, directly across the street on Ship Bottom Ave., 134 E. Ship Bottom Ave., feels rooftop decks are used differently by renters and by homeowners. Applicants have increased the look of the property. Concerns with trash cans and enclosure. Air conditioner is rusty would like to see an enclosure and the door to under the house is in ill-repair.

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

Discussion regarding the roof-top deck ensued.

Mr. Visotcky takes a 5 min break to discuss with his client the proposal.

Mr. Visotcky explains that they agree to cut the roof-top deck in half, forward on 26<sup>th</sup> Street. He provided closing statements and discussion ensued amongst the Board.

Board discussion ensued, mainly regarding the roof-top deck and the property being used as a rental property.

A motion to approve this application was made by Mr. Hay with the revised plans and the compromise of cutting the rooftop deck in half and to remain open, motion seconded by Ms. Schmidt. Roll call vote: Dixon, Hay, Schmidt, Tallon and Butkus all aye to approve. English denies.

(B) DOCKET NO. 16:03  
MAGAZINER, ALLAN & SUZANNE  
20 ROBERT DRIVE  
BLOCK 16, LOT 1.10

Richard Visotcky, representing the applicant.

The following were marked into evidence by Mr. Snyder:

- A-1 Application
- A-2 Horn, Tyson and Yoder variance plan
- A-3 Architectural plans prepared by Coastal Design, Inc.
- A-4 CAFRA permit
- A-5 2, 5x7 photographs of the property
- A-6 2, 5x7 photographs of the property
- A-7 1 sheet with two pictures, photograph on the bottom with a rendering on the top depicting what the house will look like
- B-1 Review letter prepared by Owen, Little & Associates

Frank Little sworn in by Mr. Snyder as Board Engineer.

Mr. Visotcky explains that this application is for bulk variances having to do with adding and removing decks and not expanding the height any.

James Brzozowski, sworn in as professional engineer and planner for the applicant. Mr. Brzozowski explains the property and the existing non-conformities as well as other variances that are being requested. The coverage will not exceed 42% with the pool.

Jeffrey Wells, architect for the applicant. Mr. Wells went over the plans as proposed.

Allan Magaziner, owner and applicant sworn in.

On a motion made by Councilman English, seconded by Mr. Dixon and an all in favor vote, the public portion was open.

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

Mr. Visotcky provided closing statements.

A motion to approve this application was made by Councilman English and seconded by Mr. Hay. Roll call vote: English, Dixon, Hay, Schmidt, Tallon and Butkus all aye to approve.

(C) DOCKET NO. 16:02  
MEHL, WILLIAM & JOSHUA FUSS  
701 BARNEGAT AVE.  
BLOCK 110, LOT 3

Richard Visotcky, representing the applicant.

Councilman English recused himself as this is a use variance.

The following were marked into evidence by Mr. Snyder:

- A-1 Application
- A-2 Horn, Tyson and Yoder variance plan
- A-3 Architectural plans prepared by Studio Tagland
- A-4 2, 5x7 photographs of the property
- A-5 2, 5x7 photographs of the property
- B-1 Review letter prepared by Owen, Little & Associates

Frank Little sworn in by Mr. Snyder as Board Engineer.

Mr. Visotcky explains that this application is for a use variance for an existing duplex, the first floor is below base flood elevation and needs to be raised. They are proposing to use the underneath as a garage and build a new floor on top of the existing second floor, making the existing second floor the first floor and the new floor as the second.

James Brzozowski, sworn in as professional engineer and planner for the applicant. Mr. Brzozowski explains the property and the existing non-conformities as well as other variances that are being requested.

David Gaffin, architect for the applicant. Mechanicals are going to go within the roofline and along the ground level and the outside shower will remain.

William Mehl, co-owner and applicant sworn in, they will be moving into the newly constructed floor.

Mr. Visotcky provided closing statements.

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

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

A motion to approve this application was made by Mr. Hay and seconded by Mr. Dixon. Roll call vote: Dixon, Hay, Schmidt, Tallon and Butkus all aye to approve.

**RESOLUTIONS:**

- A. DOCKET NO. 15:18  
ESPOSITO, DAVID & GAIL  
2310 CENTRAL AVE.  
BLOCK 31, LOT 9

**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. 2015:18V**

**WHEREAS**, David G Esposito and Gail P. Esposito have made application to the Land Use Review Board of the Borough of Ship Bottom for variances to permit the raising of the existing single family dwelling, construction of garages below and for the construction of decks and stairs at property located at 2310 Central Avenue, Lot 9 Block 31 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 December 16, 2015. The applicants appeared Pro Se. The application dated November 19, 2015 was entered into evidence as Exhibit A-1; the plan prepared by Gravatt Consulting Group, titled "Map of Survey/Variance Plan of Tax Lot 9 Block 31 Ship Bottom Borough Ocean County, New Jersey" dated October 20, 2015 with a final revision date of November 16, 2015 under signatures and seals of John P. Augustine, PLS and Bruce A. Jacobs, PE was entered into evidence as Exhibit A-2; the plan prepared by R.B.S. Engineering Co. titled "Esposito Property: Foundation Plan 2310 Central Avenue, Ship Bottom, NJ 08008 Lot 9, Block 31 (Ocean County)" dated September 10, 2015 under signature and seal of Robert E. Weatherford, PE was entered into evidence as Exhibit A-3; a series of eight (8) photographs, of six (6) nonconforming properties, mounted on two (2) boards, retained by applicant, was entered into evidence as Exhibit A-4; a copy of the letter dated November 24, 2015 from applicant to Mr. and Mrs. Unger, the adjoining property owners, with the response from Mr. and Mrs. Unger informing them that they are not interested in selling their property, was entered into evidence as Exhibit A-5; the building permit issued to applicants on November 20, 2007 number 4071277 for the installation of stairs and decking; to replace stairs and decks that were removed from the property, and not yet built, was entered into evidence as Exhibit A-6; applicants Elevation Certificate containing four pages, dated October 18, 2013 under signature and seal of Frank DeSantis, PLS of FRD Surveying, LLC was entered into evidence as Exhibit A-7; a copy of the Disability Identification Card issued to applicant from the New Jersey Motor Vehicle Commission was entered into evidence as Exhibit A-8; a copy of the Verification of Disability for the RREM Program was entered into evidence as Exhibit A-9; a series of three (3) black and white photographs of the elevated house, together with the existing foundation work was entered into evidence as Exhibit A-10; a set of eight (8) photographs of seven (7) nonconforming properties, taken by Michael Geller, applicants professional engineer and professional planner, together with the index page was entered into evidence as Exhibit A-11. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated December 8, 2015 was entered into evidence as Exhibit B-1. Testimony was offered by Michael Geller, applicant's Professional engineer and Professional Planner, and by the applicant David G. Esposito.

Public comment was offered by Daniel Unger, the adjoining property owner, who supported the application; and

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

1. All jurisdictional requirements have been met.
2. The applicants are the owners of the property. The property is located in the OR Office Residential Zone. The property is improved with a two story single family home. The single family residential use is permitted in the zone.
3. The property is nonconforming; the lot has dimensions of 30' x 80' feet; the lot area is 2,400 square feet where 4,800 square feet are required; the lot frontage and lot width are 30' feet where sixty (60') feet is required. The existing side yard setbacks are 3.9' feet and 4.1' feet to the building. The northerly side yard setback was encumbered by a concrete porch and stairs and maintained a 0.00 foot side yard setback; those encroachments have been removed during the raising of the house. The distance to the adjoining house to the north is 14.3 feet where 15 feet is required.
5. The house was damaged as a result of Storm Sandy which occurred on October 29, 2012; the Advisory Flood Zone is AE requiring a Base Flood elevation of 8.0' feet; the current first floor elevation is 6.5' feet.
6. Applicant has commenced raising the house to comply with FEMA requirements; they would like to raise the house to elevation 13.3', to enable them to accommodate a garage under the house with a clearance of eight (8') feet to accommodate a van. The resulting building height would be 30.9' feet. The lot width is 30' feet which limits the development to a single story home with a height not to exceed 24' feet. The two story home is a preexisting nonconforming structure. The property surrounding applicants home have been raised; and there are numerous two story homes in the vicinity which exceed 24' feet in height and are located on lots with frontage of less than 40' feet.
7. Applicant is requesting a variance under NJSA 40:55D-72D (6) a use variance due to the height exceeding ten (10%) percent of the permitted height. The Board finds that the site can support the proposed building height, and predicated upon the location of the adjoining properties and building setback the building height will not impose upon adjoining properties.
8. The plan submitted reflects a stairway to the front of the house starting at the front property line to a landing at the front door. The location of the Stairway will limit the proposed garage to a one car garage; and will create a 0 foot front yard setback. Applicant proposes eliminating the front door and creating an entranceway on the southerly side of the house. A stairway and landing may be erected in the southerly side yard setback to accommodate access and egress. The stairway and landing will be constructed at 3.5' feet wide; and encroach into the nonconforming side yard setback, creating a setback of less than one (1) foot. Applicant proposes to remove the air-conditioning platform from the northerly side yard setback where that side yard will remain open, albeit at the nonconforming distance of 3.9' feet. The adjoining property owner to the south testified that he did not object to the

location of the stairway in the side yard setback; the Board also finds that the house to the south maintains a side yard setback of 15.9' feet to the property line.

9. The plans propose a deck and stairs in the rear yard; applicant testified that there was a second floor deck at the house which was removed; and permitting in 2007 was obtained to replace the deck and stairs. The house at grade enjoyed a concrete patio in the rear. There currently is a second floor door at the house for access and egress; without stairs or a landing; applicant would like to be able to utilize that doorway in case of emergency and provide stairs to that level. Applicant proposes an 8' x 20' foot deck at the elevated first floor in the rear of the house, with exterior stairs; they also propose a second flight of steps from that deck to the second floor where a landing will be constructed; for purposes of access and egress from the second floor. The Board finds that the proposal as set forth will create a safer building for applicant; and will not impede the light air and open space of the adjoining properties.

10. As a result of raising the house the building coverage will be increased to accommodate the stairs and landing; and deck and stairs at the rear of the house; the building coverage will not exceed 40.1%; there is not any additional heated living space proposed, The stairs, landing, and deck, all to provide safe access and egress generate the increase in building coverage. Applicant will relocate the air conditioning platform to under the deck; whereupon the platform will not impact building coverage, and as previously set forth will open up the northerly side yard setback.

11. The proposal by applicant will enable the lot to maintain onsite parking for two vehicles; applicant currently has a depressed curb; and due to a storm water inlet at the street; requests that the curb that exists remain; subject to repairs or replacement in place in the event it is damaged or deteriorated or otherwise below current design standards; a sidewalk will be provided by applicant.

13. The proposed plan will provide for two (2) off street parking spaces in the garage, where none currently exist.

14. The Board finds that there is not any additional property available for applicant's acquisition to expand the lot width and lot area.

16. The Board adopts the contents of the Review letter of Frank J. Little, PE, dated December 8, 2015, entered into evidence as Exhibit B-1, as if set forth herein at length.

17. The construction will conform to all building, fire and safety codes and will comply with all FEMA requirements; and

**WHEREAS**, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants David G Esposito and Gail P. Esposito for variances to permit the raising of the existing single family dwelling to an elevation of 13.3' feet; construction of garages below and for the construction of decks and stairs at property located at 2310 Central Avenue, Lot 9 Block 31 in the 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 not any increase in living area; the use is permitted; the footprint will not be expanded but for the required stairs and decks; the site can support the height; the stairs and landing within the southerly side yard will not impede



the light air and open space of adjoining properties; as the side yard setback to the north is being improved; the deck and stairs at the rear is modest; and will provide a safe means of access and egress from the newly elevated house; and the second floor; the construction will comply with all current codes and FEMA requirements; whereupon the Borough will benefit from the house being constructed at a higher elevation to meet current and anticipated FEMA requirements. The use is not permitted, however the property is surrounded by residential uses; and this site is not suitable for commercial development; applicant has demonstrated the criteria for a Hardship Variance pursuant to NJSA 40:55D-70 (c) 1 and NJSA 40:55D-70 (c) 2; the lot is unique by its substandard size; and it currently being used for residential purposes. The Board further finds that applicant has met the criteria of NJSA 40:55D-70 D (6) for the height variance; the proposed development conforms with the neighborhood scheme; is site specific; and improves the safety to the site and surrounding areas. The height is necessitated to enable the house to meet FEMA requirements and provide adequate onsite parking; and.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Ship Bottom that the application of the applicants David G Esposito and Gail P. Esposito for variances to permit the raising of the existing single family dwelling, construction of garages below and for the construction of decks and stairs at property located at 2310 Central Avenue, Lot 9 Block 31 in the Borough of Ship Bottom, County of Ocean and State of New Jersey, in accordance with the plans entered into evidence, to be revised as set forth hereafter, 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 December 8, 2015, 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 proposed FEMA requirements, as set forth in the Advisory Maps, if the final Maps have not been adopted at the time of construction; and all building, fire and safety Codes. Applicant is granted variance relief to construct garages at grade; establish a first floor elevation of 13.33' feet and a building height of 30.9 feet. Building coverage shall not exceed 40.1%. Applicant shall relocate the air-conditioning platform from the side yard to under the proposed deck; the 3.5' foot wide stairs and landing shall be constructed within the southerly side yard setback with a setback of less than 1.0' foot. Applicant may construct an 8' x 20' foot deck at the rear of the house with stairs, and an additional flight of stairs from that deck to a landing at the second story.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicant submitting revised plans consistent with this approval; relocating the stairway from the front yard to the southerly side yard; relocating the air-conditioning platform; reflecting an 8' x 20' foot deck at the rear with exterior stairs; and a second flight of stairs to a landing on the second floor; eliminating the front entrance and providing an entrance on the southerly side of the house; providing for sidewalks at the property; and noting the depressed curb may

remain in its current size and location, subject to repair or replacement if deteriorated, damaged or below current design standards, as may be directed by the Board engineer. The plans shall also reflect that building coverage shall not exceed 40.1% and that the building height shall not exceed 30.9' 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. Variance relief is granted for the existing lot area, lot frontage and lot width; for the existing the two story structure; and nonconforming setbacks.

**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 the approval of the Ship Bottom Water and Sewer Department; in the event the existing systems are determined to require repair or replacement; applicant shall comply with the Directives of that Department.

**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 this approval is subject to and conditioned upon applicant installing or replacing any damaged or deteriorated curbs and sidewalks on Central Avenue adjoining the property in accordance with Borough Codes and as directed and approved by the Borough Engineer.

**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 December 16, 2015 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 in the event the conditions set forth herein are not met by February 1, 2017, 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.

**Adopted: January 20, 2016**  
**Moved By: Mr. Hay**  
**Seconded By: Ms. Schmidt**  
**Roll Call Vote: Dixon, Hay, Schmidt, Tallon and Butkus all aye.**

**MINUTES:**

Mr. Butkus asked for a motion to approve the minutes of the December 16, 2015 meeting as written, Mr. Hay makes a motion to approve, seconded by Ms. Schmidt. Roll call vote: Dixon, Hay, Schmidt, Tallon and Butkus all aye to approve.

**ADJOURNMENT:**

On a motion by Mr. Hay seconded by Vice Chairman Tallon and an all aye vote, the meeting was adjourned.

Respectfully submitted,

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**DANIELLE MEZZINA, SECRETARY**  
**LAND USE REVIEW BOARD**