

**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 February 19, 2020.

**WORKSHOP MEETING**

Chairman Cooper stated the following:

The workshop meeting of the Ship Bottom Land Use Review Board is now open. The time is 7:01 P.M. and the date is February 19, 2020. 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 discussed the new changes how the board is now responsible for approving their own bill list. The bill list was tabled and will be approved at the March Land Use Board 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 February 19, 2020. The time, date and location of this meeting is listed in Resolution 2020-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 March 18, 2020.

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, Councilman Butkus, Councilman English, Mr. Fenimore, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon, Mr. Yankowski, Chairman Cooper, present. Mr. Dixon, 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 was no correspondence this month.

**MINUTES:**

The minutes of the January 15, 2020 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, Councilman Butkus, Councilman English, Mr. Hay, Ms. Schmidt, Vice Chairman Tallon, Mr. Yankowski, and Chairman Cooper, all aye.

**NEW BUSINESS:**

- A. DOCKET NO. 20:05  
WILLIAM BATTISTELLI  
107 WEST 24<sup>TH</sup> STREET CONDOMINIUM

BLOCK 31 LOT 14

Katherine Shackleton, Esq., representing the applicants requesting if this application could be carried to March 18, 2020 meeting due to error of publication and notification. Ms. Shackleton will republish for next month's meeting and request all time constraints be waived.

A motion to carry this application was made by Mr. Hay and seconded by Mr. Basile.

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

B. DOCKET NO. 20:03  
 JOHN DIOGUARDI  
 341 WEST 17<sup>TH</sup> STREET  
 BLOCK 62.01 LOT 1

Richard Visotcky, Esq., representing the applicants requesting to raise the existing single-family dwelling, add new steps with landing and spiral staircase and add an additional living space on the second floor.

The following were marked into evidence by Mr. Snyder:

- A-1 Application
- A-2 Variance Plan, prepared by Robert J. Harrington, PE
- A-3 Architectural Plans, four (4) sheets, prepared by Adamson Riva \* Lepley Architects, AIA
- B-1 Review letter prepared by Owen, Little & Associates

Robert Harrington, licensed engineer and Joseph Adamson, licensed architect were sworn in and provided testimony.

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

- A-4 Colorized Photo two (2) 5x7" photos
- A-5 Colorized Photo two (2) 5x7" photos
- A-6 Black and White photo of house & deck, dated 2008

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

Douglas Reed, 333 West 17<sup>th</sup> Street, Wade Bradley, 325 West 17<sup>th</sup> Street, had the following concerns:

- Water management/flooding
- Lack of porta potties on construction site

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

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

A motion to approve this application was made by Vice Chairman Tallon and seconded by Mr. Bishop with the condition that the yard must maintain stone, no concrete slabs.

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

B. DOCKET NO. 20:04  
 DANIEL LAWLER  
 120 EAST 30<sup>TH</sup> STREET  
 BLOCK 17 LOT 5

James Raban, Esq., representing the applicants requesting to demolish the existing single-family structure and detached garage and construct a new single-family dwelling.

The following were marked into evidence by Mr. Snyder:

A-1 Application

A-2 Survey prepared by Land Line Surveyors, signed by John M. Lis

A-3 Variance Plan, prepared by Ten 10 Architecture, LLC

A-4 Architectural Plans, eight (8) sheets, prepared by Apex Homes of PA, LLC

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

Daniel Wheaton, professional planner and engineer was sworn in and provided testimony.

Discussion ensued between the board and Mr. Wheaton regarding the lot coverage of the proposed dwelling. Mr. Raban and the applicants agreed to comply to a 35% lot coverage.

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

Susan Sellarole, 124 East 30<sup>th</sup> Street, supports the application.

Not recognizing anyone else from the public, on a motion made by Councilman Butkus, seconded by Ms. Schmidt 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 was made by Ms. Schmidt and seconded by Mr. Hay with the condition to submit revised plans and lot coverage of 35%.

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

**OLD BUSINESS:**

A. DOCKET NO. 20:02  
MATTHEW VEREB  
115 EAST 28<sup>TH</sup> STREET  
BLOCK 20, LOT 20

Katharine Shackleton, Esq., representing the applicants requesting to demolish the existing structure 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 Nelke/Tyszka Land Surveyors, LLC

A-3 Architectural Plans, two (2) sheets, prepared by, Musgnug & Associates

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

James Brzozowski, professional planner and Robert Musgnug, licensed architect, Matthew Vereb, applicant and owner were sworn in and provided testimony.

Discussion ensued about the design and architectural of the proposed dwelling.

On a motion made by Vice Chairman Tallon, 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 Mr. Hay, seconded by Ms. Schmidt and all in favor vote, the public portion was closed.

Ms. Shackleton provided closing statements and discussion ensued amongst the board. The board suggested the applicant carry the application and submit revised plans.

Chairman Cooper called for a break at 8:48P.M. The meeting resumed at 8:53 P.M.

A motion to carry this application was made by Mr. Hay and seconded by Ms. Schmidt.

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

**RESOLUTIONS:**

- A. DOCKET NO. 20:01  
 JOSEPH DAMATO CONSTRUCTION, LLC  
 1820 BAY TERRACE  
 BLOCK 53 LOT 15

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. 2020-01V**

**WHEREAS**, Joseph Damato Construction Co., LLC has made application to the Land Use Review Board of the Borough of Ship Bottom for variances to demolish the existing structures and permit the construction of a two (2) story raised single family dwelling and in ground swimming pool at property known and designated as Lot 15 Block 53; 1820 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 January 15, 2020. The applicant was represented by James S. Raban, Esq.; Katharine M. Shackleton, Esq. appeared in his stead; the application received December 20, 2020 was entered into evidence as Exhibit A-1; the survey prepared by William J. Fiore, Inc. titled “Topographic Survey Lot 15 Block 53 on the Borough of Ship Bottom, Tax Map Borough of Ship Bottom, Ocean County, New Jersey To: Joseph Damato” dated November 26, 2019 under signature and seal of William J. Fiore, Professional Land Surveyor was entered into evidence as Exhibit A-2; the plan prepared by Ten 10 Architecture, dated December 18, 2019, under signature and seal of Daniel Paul Wheaton, Registered Architect, titled “Proposes Residence, Joseph Damato Construction LLC, 1820 Bay Terrace Ship Bottom, New Jersey 08008 Block 53 Lot 15” Drawing ZB-1 Variance Plan Cover Page & Plot Plan and Drawing ZB- 2 Proposed Renderings, Exterior Elevations & Floor Plans was entered into evidence as Exhibit A-3; an aerial photograph of the property from Google Map was entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated January 8, 2020 was entered into evidence as Exhibit B-1. Testimony was offered by Daniel Paul Wheaton, applicant’s architect. Joseph Damato the principal of applicant was present to answer questions. There was not any public comment offered; and

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

1. All jurisdictional requirements have been met.
2. The applicant is the owner of the property. The property is located at the northeast corner of 19<sup>th</sup> Street and Bay Terrace; in the R-2 Single Family Residential District. The property consists of a lot with dimensions of 40.00 x 80.00 feet; minimum lot depth of 100.00 feet is required in the R-2 Zone, this property has a nonconforming 80;00 foot lot depth; the minimum lot area required in the R-2 Zone is 4,000 square feet, this property contains nonconforming lot area of 3,200 square feet.
3. The property is currently improved with a single story single family frame house. It is applicant’s intention to demolish the existing structure and construct a two story raised single family home on the property.
4. The property is a corner lot, whereupon two (2) front yard setbacks of 15 feet are required. Applicant proposes to provide a front yard setback of 15.5 feet to Bay Terrace and is requesting variance relief to permit a 10 foot front yard setback to 19<sup>th</sup> Street. Applicant is also requesting a side yard setback variance to permit a five (5’) foot side yard setback, where one side yard setback of 10’ feet is required.
5. The proposed building coverage is 33.75% and lot coverage is proposed at 46.6%. The proposed rear yard to the east is 15.5 feet.

6. Applicants plan proposes a building height of 32.75 feet; as the property will be raised by 16 inches in accordance with Borough Ordinances, the permitted building height is 33 feet.
7. The Board adopts the contents of the January 8, 2020 review letter from Owen Little and Associates, Inc. entered into evidence as Exhibit B-1 as if set forth herein at length.
8. Applicant also proposes to install underground drainage piping and a retaining wall along the northerly boundary of the property. The house shall be constructed to provide gutters to drain into the drainage pipe.
9. Applicant should revise its plan to correct the site triangle as referenced in Exhibit B-1; it appears that a vehicle, if parked on the property may encroach within the site triangle, applicant is requesting waiver to permit that encroachment.
10. Parking is proposed within the two car garage; which abut the proposed ten (10) foot setback from 19<sup>th</sup> Street; applicant is requesting variance relief, as there is not adequate space to provide a parking space in front of the garage.
11. The new house will be constructed to code; it will meet all building, fire and safety codes and will comply with all FEMA requirements.
12. Applicant shall also provide new curbing along 19<sup>th</sup> Street and Bay Terrace, and new sidewalks along 19<sup>th</sup> Street with depressed curbing of 20 feet to accommodate the two (2) car garage pursuant to Ordinance. The plan shall be revised accordingly.
13. The applicant will comply with the terms and conditions as set forth in the letter of Frank J. Little, Jr. dated January 8, 2020 entered into evidence as Exhibit B-1.; and

**WHEREAS**, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant Joseph Damato Construction Co., LLC to demolish the existing structures and permit the construction of a two (2) story raised single family dwelling and in ground swimming pool at property known and designated as Lot 15 Block 53; 1820 Bay Terrace 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. The house to be constructed shall meet all FEMA, health, fire and safety codes; onsite parking will be accomplished; the site triangle encroachment should not be problematic due to the location of the property; and large shoulder area on 19<sup>th</sup> Street; the proposed 10 foot front yard setback will not impede the light air or open space of the adjoining property; the 5.25 side yard is adequate and an improvement from the existing setback of 2.4 feet.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Ship Bottom that the application of applicant Joseph Damato Construction Co., LLC to demolish the existing structures and permit the construction of a two (2) story raised single family dwelling and in ground swimming pool at property known and designated as Lot 15 Block 53; 1820 Bay Terrace 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 approval is subject to and conditioned upon applicant submitting revised plans with the site triangle properly located; the note corrected to provide for new curbs on Bay Terrace and 19<sup>th</sup> Street and new sidewalk on 19<sup>th</sup> Street. A note will be added confirming that there will be gutters shall be installed draining into the drain pipe.

**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 January 8, 2020, 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 FEMA requirements and all building, fire and safety Codes. The Board has not granted any waivers or variance relief from FEMA requirements; and applicant is on Notice that the elevations shall meet all FEMA and Flood Protection requirements.

**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.

**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 applicants' compliance with Borough Ordinances, whereupon applicants will install curbs and sidewalks at 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 applicant, their witnesses and representatives, and as placed on the record at the public hearing conducted on January 15, 2020 when this matter was considered.

**BE IT FURTHER RESOLVED** that applicants are granted variances from lot area and lot depth; to permit a side yard setback of 5.25 feet and a front yard setback of 10 feet from 19th Street; to permit a parked automobile to encroach into the site triangle and to limit the parking to two (2) interior spaces in the garage.

**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 March 1, 2021, 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.

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

**ADJOURNMENT:**

On a motion by Vice Chairman Tallon seconded by Ms. Schmidt and an all aye vote, Chairman Cooper adjourned the meeting at 9:11 P.M.

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Sara Gresko, Secretary  
Land Use Review Board