

**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. 2020-03V**

WHEREAS, John Dioguardi and Camille Dioguardi have made application to the Land Use Review Board of the Borough of Ship Bottom for variances to construct a second floor sunroom addition and deck to the existing raised single family dwelling located at property known and designated as Lot 1 Block 62.01; 341 West 17th Street 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 February 19, 2020. The applicant was represented by Richard P. Visotcky, Esq.; the application dated January 3, 2020 was entered into evidence as Exhibit A-1; the plan prepared by East Coast Engineering, Inc. titled “Variance Plan Prepared for Anthony & John Dioguardi Block 62.01 Lot 1 Borough of Ship Bottom, Ocean County, New Jersey” dated December 18, 2019 signed and sealed on January 3, 2020 by Robert J. J. Harrington, PE was entered into evidence as Exhibit A-2; the plan prepared by Adamson, Riva & Lepley Architects, A.I.A. with a final date of January 2, 2020 titled :Proposed House-Lift /Renovations for Mr. and Mrs. Dioguardi 341 West 17th Street, Ship Bottom, New Jersey 08008, Borough of Ship Bottom Project No. M18003” under signature and seal of Joseph F. Adamson, A.I.A. was entered into evidence as Exhibit A-3; two (2) photographs of the raised house taken from 17th Street were entered into evidence as Exhibit A-4; two (2) photographs of the raised house one from West Bay Terrace and one from East Bay Terrace were entered into Evidence A-5; a photograph of the house taken in or about 2008 was entered into evidence as Exhibit A-6. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated February 12, 2020 was entered into evidence as Exhibit B-1. Testimony was offered by Robert J Harrington, applicant’s professional engineer and Joseph F. Adamson, applicant’s architect; applicant’s contractor Joseph Horner was present to answer any questions; and both applicants were present. Public comments were offered by Douglas Reed and Wade Bradley.

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 ON 17TH Street at its intersection with East Bay Terrace and West Bay Terrace in the R-2 Single Family Residential District. The property consists of a lot with dimensions of 24.00 feet on 17th Street x 100.00 feet on East Bay Terrace x 50.89 feet x 103.55 feet on West Bay Terrace. The lot area is

3,744.50 square feet where the minimum lot area required in the R-2 Zone is 4,000 square feet.

3. The property is improved with a one story ranch home; which maintains a setback of 6.3 feet from East Bay Terrace and a setback of 7.8 feet from West Bay Terrace; the setback to adjoining Lot 2 Block 62.01 is 2.8 feet. The building coverage is 36.2%. Applicants have raised the house in place; and have partially enclosed the grade level.
4. Applicants propose to construct a second story sitting room and deck at the property. All construction is proposed within the existing footprint of the house. In conjunction with the house raise applicants propose a deck on the 17th Street side of the house, the variance plan also indicates the installation of a spiral staircase providing access to that deck; an exterior entrance stairway together a balcony is also proposed to the raised living quarters facing West Bay Terrace.
5. The architectural plans reflect a ground level sun deck; and there were comments raised regarding the concrete driveways and lot coverage. Applicant's experts testified that the only concrete will be under the house in accordance with Borough requirements; and that there will not be a grade deck; the plans are to be amended. The grounds surrounding the house will be covered with stone; there will not be any impervious coverage other than the house, driveway and garage aprons.
6. The exterior air conditioning components shall be placed upon the roof deck.
7. The development at the site predates Ordinance 2018-09 which requires the filling of certain lots; applicant obtained their permits prior to the enactment of that Ordinance.
8. The proposed sitting room and deck will be offset by two (2) feet from the perimeter of the house as shown on the plans; the dimensions of the sitting room are 12 x 22 feet; the building height is proposed at 29.7 feet.
9. According to Douglas Reed who resides at 323 W. 17th Street, across the street from applicant's property there is substantial construction taking place in their neighborhood; and it appears that many contractors are not providing portable rest room facilities for their workers; he requested enforcement to assure adequate facilities during construction. He also informed the Board of the frequency of flooding within the subject area.
10. Applicant is proposing one garage under the house accessible from East Bay Terrace; and a second parking space on the site adjacent to the proposed stairway on West Bay Terrace.
11. The Board adopts the contents of the February 12, 2020 review letter from Owen, Little and Associates, Inc. entered into evidence as Exhibit B-1 as if set forth herein at length.

12. Applicant will replace all damaged and deteriorated curbing surrounding the property; and shall install conforming curb cut(s); the plans shall be revised accordingly; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant John Dioguardi and Camille Dioguardi for variances to construct a second floor sunroom addition and deck to the existing raised single family dwelling located at property known and designated as Lot 1 Block 62.01; 341 West 17th Street 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 raising of the house benefits the property and community by conforming to current flood elevation and FEMA requirements; onsite parking is being provided; the nonconformities are pre-existing and but for the stairs and balcony the footprint is not changing; the proposed deck is within the area where a prior larger deck serviced the house prior to the house raising. The house is surrounded by three (3) streets; there is no impediment to the light air and open spaces of surrounding properties. Notwithstanding the 2.8 foot setback; there is substantial space between the subject house and the house on the adjoining property.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Ship Bottom that the application of applicant John Dioguardi and Camille Dioguardi for variances to construct a second floor sunroom addition and deck to the existing raised single family dwelling located at property known and designated as Lot 1 Block 62.01; 341 West 17th Street 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 eliminating the deck on grade and noting that there shall not be any impervious materials placed upon the site other than the driveway apron(s) and garage apron; correcting the setback to 17th Street; noting that all damaged or deteriorated curbs will be replaced according to Borough Ordinances and as directed by the Borough Engineer; and located depressed curb cuts, driveway openings, in accordance with Borough Ordinances. The revised plans will also note that the air-conditioning unit(s) shall be located on the roof deck, which is also a condition of this approval.

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 February 12, 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 replace all damaged or deteriorated curbs and install new curbs 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 February 20, 2020 when this matter was considered.

BE IT FURTHER RESOLVED that applicants are granted variances from existing lot area and existing setbacks; and to permit the addition of a sitting room and roof deck, enclose the grade level, and install stairs, a balcony and spiral staircase, as shown on the plans entered into evidence, to be amended as set forth herein.

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 April 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.

SARA GRESKO, SECRETARY

-CERTIFICATION-

I, Sara Gresko, Secretary of the Land Use Review Board of the Borough of Ship Bottom, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Land Use Review Board of the Borough of Ship Bottom at a public meeting held on March 18, 2020.

SARA GRESKO, SECRETARY