**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. 2020-04V**

 **WHEREAS,** Daniel Lawler and Barbara Lawler have made application to the Land Use Review Board of the Borough of Ship Bottom for variances to construct a two (2) story single family dwelling at property known and designated as Lot 5 Block 17; 120 East 30th 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 James S. Raban, Esq. The application dated January 29, 2020 was entered into evidence as Exhibit A-1; the plan prepared by Land Line Surveyors titled “Plan to Accompany Application for Building Permit Situated in Borough of Ship Bottom, Ocean County, New Jersey Block 17 Lot 5” dated September 11, 2019 under signature and seal of John M. Lis, Professional Land Surveyor, N.J. was entered into evidence as Exhibit A-2; plan prepared by Ten 10 Architecture dated January 29, 2020 under signature and seal of Daniel Paul Wheaton, Registered Architect, Professional Planner. titled “ Lawler Residence 120E 30th Street Ship Bottom, NJ 08008 Block: 17 Lot: 5; Proposed Residence Variance Plan Cover Page & Plot Plan” consisting of Sheet ZB-1 was entered into evidence as Exhibit A-3; a set of building plans containing eight (8) drawings from Apex Homes of PA, LLC was entered unto evidence as Exhibit A-4. 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 Daniel Paul Wheaton, applicant’s architect and professional planner. Public comment was offered by Susan Sellarole the owner of the adjoining property; and

 **WHEREAS,** the Land Use Review 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 applicants are the owners of the property. The property is located in the R-3 Single and Two Family Residential Zone. The property consists of a lot with dimensions of 50 x 75 feet previously improved with a two story single family dwelling and detached garage. Those structures have been demolished. The lot currently is vacant. The lot is nonconforming with a lot depth of 75 feet where 100 feet is required and with lot area of 3,750 square feet where 4,000 square feet is required.
3. Applicants propose to improve the property with a two story single family modular home; to be constructed on pilings with a garage and storage area at grade.
4. Applicants are requesting variance relief for the nonconforming conditions of the parcel, the lot depth and lot area. They also are requesting variance relief to provide a front yard setback of 11.1 feet to the stairs; the proposed front deck will maintain a setback of 15 feet which is the minimum required in the zone. Applicants architect testified that the front deck will provide architectural integrity to the building and be an aesthetic improvement to the house as manufactured. The proposed building height is 31.9 feet; applicants witness testified that the building height will not exceed 32 feet; the maximum permitted building height in the zone.
5. Many of the houses on East 30th Street maintain front yard setbacks of ten (10’) feet; the proposed 11.1 foot front yard setback comports with those setbacks an in this instance is limited to the stairs only.
6. The air-conditioning equipment will be mounted under the house, and will not extend into the setbacks; applicants architect testified that there is sufficient area and airflow to install the equipment as indicated.
7. In conjunction with the project applicant has requested variance relief to provide building coverage of 37% where the maximum building coverage is 35%. The prior building coverage was 37% prior to the demolition of the original house and garage. Applicants architect testified that a new house could be constructed upon the property, and comply with the building coverage requirement of 35%. The size of the house and/or deck could be reduced to meet the building coverage requirement.
8. Applicants amended the application to omit the variance request to permit 37% building coverage. Counsel represented that the plans will be revised to bring the building coverage into conformity with 35% building coverage.
9. The Board adopts the contents of the February 12, 2020 letter from Frank J. Little, Jr., entered into evidence as Exhibit B-1, as if set forth herein at length.
10. The proposed ten (10) foot curb opening will enable applicant to park two cars upon the property; one space is provided in the garage and one space is provided in the driveway.
11. Applicant will install curbing and a sidewalk in accordance with Borough Ordinances and as instructed by the Borough Engineer; and

**WHEREAS,** the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicants Daniel Lawler and Barbara Lawler Antonio for variances to construct a two (2) story single family dwelling, with a front yard setback of 11.1 feet to the front stairs, upon a lot with a depth of 75 feet and area of 3,750 square feet at property known and designated as Lot 5 Block 17; 120 E. 30th Street in the Borough of Ship Bottom, County of Ocean and State of New Jersey, at a building height of 31.9 feet, not to exceed 32 feet; and with building coverage not to exceed 35%; to be reflected on revised plans to be submitted; 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, fire and safety codes; onsite parking will be accomplished; there are other homes in the area maintaining a front yard setback of ten (10) feet; the use is permitted; the property will comply with FEMA requirements; the house to be constructed is aesthetically pleasing, and will comport with other properties in the area; the lot dimensions are preexisting, and the nonconforming setback is generated by the limitation of lot depth and limited only to the front stairs.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Ship Bottom that the application of applicants Daniel Lawler and Barbara Lawler Antonio for variances to construct a two (2) story single family dwelling, with a front yard setback of 11.1 feet to the front stairs, upon a lot with a depth of 75 feet and area of 3,750 square feet at property known and designated as Lot 5 Block 17; 120 E. 30th 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’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 Applicant submitting revised plans, to be approved by the Board Engineer, said plans reflecting the building coverage not to exceed 35%.

**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.

**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 February 19, 2020 when this matter was considered.

**BE IT FURTHER RESOLVED** that applicants are granted variances from lot area and lot depth requirements; a variance is also granted to permit an 11.1 foot front yard setback to the front steps only.

**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.
**Motion:
Second:
Roll Call:**

 -**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

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 **SARA GRESKO, SECRETARY**