

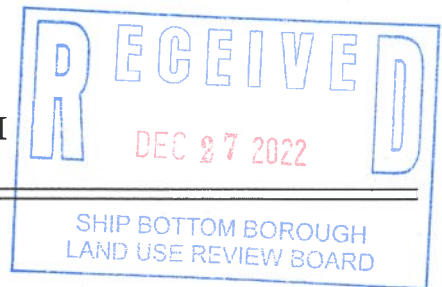
**BOROUGH OF SHIP BOTTOM**

GATEWAY TO LONG BEACH ISLAND

1621 Long Beach Boulevard

Ship Bottom, Ocean County, N.J. 08008

(609) 494-2171 or 2172 Fax (609) 361-8484

**LAND USE DEVELOPMENT APPLICATION****-TO BE COMPLETED BY BOROUGH STAFF ONLY-**

Date Filed <u>12/27/2022</u>	Docket No. <u>2022-75</u>
Application Fees _____	Escrow Deposit _____
Scheduled for: Review for Completeness _____	Hearing _____

1. SUBJECT PROPERTY – TO BE COMPLETED BY APPLICANTLocation: 209 W 28th STREET

Tax Map:	Page <u>3</u>	Block <u>9</u>	Lot(s) <u>5</u>
	Page _____	Block _____	Lot(s) _____

Dimensions: Frontage 100.14 ft. Depth 100.00 ft. Total Area 9,999.3 sq. ft.Zoning District: R-3 Single and Two Family Residential District**2. APPLICANT**Name: KIM R. OBERMAIR AND MARY G. OBERMAIRAddress: 3 WALNUT WAY, ANNANDALE, NEW JERSEY 08801Telephone No.: Home: _____ Local: 908-343-1434

Work: _____ Fax: _____

Applicant is a: Corporation _____ Partnership _____ Individual xx

Other (Please Specify) _____

3. DISCLOSURE STATEMENT

Pursuant to N.J.S.A. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed (attach pages as necessary to fully comply).

Name _____ Address _____ Interest _____

Name _____ Address _____ Interest _____

4. If Owner(s) is other than the applicant, provide the following information on the owner(s):

Owner's Name _____

Address _____

Telephone No. Home: _____ Work: _____ Local: _____

Relationship of the applicant to the property in question:

Owner _____ Lessee _____ Purchaser Under Contract _____ Other _____

5. PROPERTY INFORMATION

Deed restrictions, covenants, easements, rights of way, association bylaws or other dedication existing or proposed on the property:

Yes (Attach copies) _____ No. **XX** _____ Proposed _____

Note: All deed restrictions covenants, easement, rights of way association bylaws, or other dedications existing and proposed must be submitted for review.

Site Plan and/or conditional use applicants:

Proposal for: New structure _____ Expanded area _____ Alteration **XX** _____

Expansion of structure _____ Change of Use _____ Sign _____

Other (Please specify) minor 2 lot subdivision _____

Has this property been the subject of any prior application(s) to the Planning Board or Zoning Board of Adjustment? Yes _____ No **XX** _____ If so, please attach the date(s), the relief sought, the disposition of the case and a copy of the resolution(s).

Is the subject property located on:

A county road: Yes _____ No **XX** _____; A State road: Yes _____ No **XX** _____;

Within 200 feet of a municipal boundary: Yes _____ No **XX** _____

Present use of the premises: SINGLE FAMILY DWELLING

6. **Applicant's Attorney** RICHARD P. VISOTCKY, ESQ. OF KELLY & VISOTCKY, LLC

Address 149 East Bay Avenue, P.O. Box 536, Manahawkin, New Jersey 08050

Telephone No. 609-597-7200 Fax No. 609-597-8351 Email: kvlaw@kvlawfirm.com

7. **Applicant's Engineer** JAMES BRZOZOWSKI OF HORN, TYSON & YODER, INC.

Address 8510 Long Beach Boulevard, Long Beach Township, New Jersey 08008

Telephone No. 609-492-5050 Fax No. 609-492-4163 Email: jimb@htyoder.com

8. **Applicant's Planning Consultant** James D. Brzozowski of Horn, Tyson & Yoder

Address 8510 Long Beach Boulevard, Long Beach Township, New Jersey 08008

Telephone No. 609-492-5050 Fax No. 609-492-4163 Email: jimb@htyoder.com

9. **Applicant's Architect** N/A

Address _____

Telephone No. _____ Fax No. _____

10. **List any other Expert who will submit a report or who will testify for the Applicant:** (Attach additional sheets as may be necessary)

Name _____

Field of Expertise _____

Address _____

Telephone No. _____ Fax No. _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

- ☒ Minor subdivision Approval
☐ Subdivision Approval (Preliminary)
☐ Subdivision Approval (Final)

Number of lots to be created 2 Number of proposed dwelling units 2 (If applicable)

Area and dimensions of each proposed lot 50 ft. x. 100 ft.

SITE PLAN:

- ☐ Minor Site Plan Approval
☐ Preliminary Site Plan Approval [Phases (if applicable) _____]
☐ Final Site Plan Approval [Phases (if applicable) _____]
☐ Amendment or Revision to an Approved Site Plan Area to be disturbed (square feet) _____

Total number of proposed dwelling units 2

☐ Request for Waiver from Site Plan Review and Approval
Reason for request: _____

- ☐ Informal Review
☐ Appeal decision of an Administrative Officer [N.J.S.A. 40:55D-70a]
☐ Map or Ordinance Interpretation or Special Question [N.J.S.A. 40:55D-70b]
☒ Variance Relief (hardship) [N.J.S.A. 40:55D-70c(1)]
☒ Variance Relief (substantial benefit) [N.J.S.A. 40:55D-70c(2)]
☐ Variance Relief (use) [N.J.S.A. 40:55D-70d]
☐ Conditional Use Approval [N.J.S.A. 40:55D-67]
☐ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S.A. 40:55D-34]
☐ Direct issuance of a permit for a lot lacking street frontage [N.J.S.A. 40:55D-35]

12. Section(s) of Ordinance from which a variance is requested:

SEE ATTACHED RIDER

13. Waivers Requested of Development Standards and/or Submission Requirements: [attach additional pages as needed]

**14. Attach a copy of the proposed Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application.
*The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.**

***The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing.**

RIDER TO NUMBER 12

16.32.010.D – Front yard setback for new Lot 5.02, having proposed 3.7 ft., existing, (15 ft. required);

16.32.010.D – Side yard setback for one side of new Lot 5.02, having proposed 4.2 ft. (10 ft. required);

16.32.010.D – Rear yard setback for accessory structure on new Lot 5.02, having proposed 4.8 ft., existing, (5 ft. required); and

16.52.080.C.1 – Driveway opening for new Lot 5.02, having proposed 17 ft., existing, (12 ft. maximum permitted).

***An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and hearing can proceed.**

- 15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: [attach pages as needed]**

Applicant proposes to subdivide their property into two residential lots. Applicant's existing home is proposed to remain on new Lot 5.02. Variances will be sought for lot area on each new lot, having proposed 4,999.65 sq ft. (5,000 sq. ft. required); existing front yard setback for new Lot 5.02, having proposed 3.7 ft to deck (15 ft. required); side yard setback for one side in new Lot 5.02, having proposed 4.2 ft. (10 ft. required); rear yard setback to existing accessory structure on new Lot 5.02, having proposed 4.8 ft (5 ft. required) and driveway opening for new Lot 5.02, having proposed 17 ft. opening (12 ft. opening maximum required).

- 16. Is a public water line available?** YES
- 17. Is public sanitary sewer available?** YES
- 18. Does the application propose any lighting?** NO
- 19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block number?** YES
- 20. Are any off-tract improvements required or proposed?** No
- 21. Is the subdivision to be filed by Deed or Plat?** Plat
- 22. What form of security does the applicant propose to provide as performance and maintenance guarantees?** _____
- 23. Other approvals which may be required and date plans submitted:**

	Yes	No	Date Plans Submitted
_____ Ship Bottom Fire Prevention Bureau	_____	_____	_____
_____ Ship Bottom Water & Sewer Department	_____	_____	_____
_____ Ship Bottom Public Works Department	_____	_____	_____
_____ Long Beach Island Health Department	_____	_____	_____
_____ Ocean County Planning Board	_____	_____	_____
_____ Ocean County Soil Conservation District	_____	_____	_____
_____ NJ Dept. of Environmental Protection	_____	_____	_____
_____ Sanitary Sewer Connection Permit	_____	_____	_____
_____ Sewer Extension Permit	_____	_____	_____
_____ Waterfront Development Permit	_____	_____	_____
_____ Wetlands Permits	_____	_____	_____
_____ Tidal Wetlands Permit	_____	_____	_____
_____ FEMA	_____	_____	_____
_____ NJ Department of Transportation	_____	_____	_____
_____ Atlantic Electric	_____	_____	_____
_____ NJ Natural Gas	_____	_____	_____
_____ Other _____	_____	_____	_____

- 24. Certification from the Tax Collector that all taxes due on the subject property have been paid.**

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).
 *The documentation must be received by the Board Secretary at least twenty one [21] days prior to the meeting at which the application is to be considered, or as otherwise required in Section 16.80.010 of the Land Development Ordinance. A list of the professional consultants is attached to the application form.



Quantity	Description of Item
18 copies	Minor subdivision plans from Horn, Tyson & Yoder
18 copies	Color photographs of premises by Richard P. Visotcky, Esq.

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application provided to the following of the applicant's professionals:
 *Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

	Applicant's Professional	Reports Requested
xx	Attorney	RICHARD P. VISOTCKY, ESQ. OF KELLY & VISOTCKY, LLC
xx	Engineer	JAMES BRZOZOWSKI OF HORN, TYSON & YODER, INC.

CERTIFICATIONS

27. I certify that the foregoing statements and the materials submitted are true, and waive all applicable time limits until the first public hearing of this application. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner].

12/30/22	
DATE	SIGNATURE OF APPLICANT KIM R. OBERMAIR
12/30/22	
DATE	SIGNATURE OF OWNER MARY G. OBERMAIR

28. I, the Developer/Applicant understand that a sum, to be determined by the Administrative Officer, will be deposited in an Escrow Account, in accordance with the Ordinances of the Borough of Ship Bottom. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and/or other expenses associated with the review of submitted materials. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days. I, the Developer/Applicant, as signed below acknowledge familiarity with the procedures set forth in the Ship Bottom Borough Land Development Ordinance for submittals and required action and agree to be bound by it.

12/30/22		
DATE	SIGNATURE OF OWNER OR APPLICANT	
	KIM R. OBERMAIR AND MARY G. OBERMAIR	

BOROUGH OF SHIP BOTTOM PROFESSIONAL CONSULTANTS

Board Engineer/Planner: Frank J. Little, Jr., P.E., P.P.
 Owen, Little & Associates, Inc.
 443 Atlantic City Blvd.

Beachwood NJ 08722
 Phone:(732) 244-1090 Fax:(732) 341-3412

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF HUNTERDON

KIM R. OBERMAIR AND MARY G. OBERMAIR, of full age, being duly sworn according to law, on oath deposes and says that he or she resides at 3 Walnut Way, Annandale, New Jersey 08801 in the Municipality of Clinton Township in the County of Hunterdon, and State of New Jersey that he or she is the owner in fee of all that certain lot, tract, or parcel of land, situated, lying and being in the Borough of Ship Bottom, Ocean County, New Jersey, and known and designated at Lot 5, Block 9 and that he or she hereby authorizes and appoints Richard P. Visotcky, Esq. of Kelly & Visotcky, LLC as his or her attorney in fact to make the within application on his or her behalf to the Land Use Review Board of the Borough of Ship Bottom, Ocean County, New Jersey.

K. Obermair
KIM R. OBERMAIR

Mary G. Obermair
MARY G. OBERMAIR

Sworn and subscribed before

me this 20th day

of Dec, 2022

Navneet Kaur

NOTARY PUBLIC OF NEW JERSEY

NAVNEET KAUR

Notary Public, State of New Jersey
My Commission Expires Dec 23, 2026

KELLY & VISOTCKY, L.L.C.

ATTORNEYS-AT-LAW
149 E. Bay Avenue
Manahawkin, New Jersey 08050
www.kvlawfirm.com

Please Reply to:
Post Office Box 536
Manahawkin, NJ 08050

Phone: (609) 597-7200
Fax: (609) 597-8531
kvlaw@kvlawfirm.com

RICHARD P. VISOTCKY

NOTICE OF HEARING

PLEASE TAKE NOTICE that **Kim R. Obermair & Mary G. Obermair** have made application to the Ship Bottom Land Use Board for minor subdivision approval so as to divide their existing residential lot into two new residential lots at their property located at 209 W 28th Street, Ship Bottom, a/k/a Lot 5, Block 9, on the Borough of Ship Bottom Tax Map.

Applicants will also seek bulk variances for lot area for each new lot having proposed, 4,999.65 sq. ft. for new Lots 5.01 and 5.02, respectively, (5,000 sq. ft. required); front yard setback for new Lot 5.02, having proposed 3.7 ft to existing deck (15 ft. required); side yard setback for one side of new Lot 5.02, having proposed 4.2 ft. (10 ft. required); rear yard setback for existing accessory shed on new Lot 5.02, having proposed 4.8 ft. (5 ft. required) and existing driveway opening on new Lot 5.02, having proposed 17 ft. (12 ft. maximum required).

Applicants will also seek any other variances that may be required by the Ship Bottom Land Use Review Board at the time this matter is heard without further notice.

This matter is on the Clerk's Docket, and a public hearing has been ordered for Wednesday, January 18, 2023 at 7:00 p.m. at the Ship Bottom Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey, as soon thereafter as the matter is reached. Any person interested in this application may be present and be heard, at the time and place aforesaid.

This Notice is submitted in accordance with the requirements of the Municipal Land Use Law.

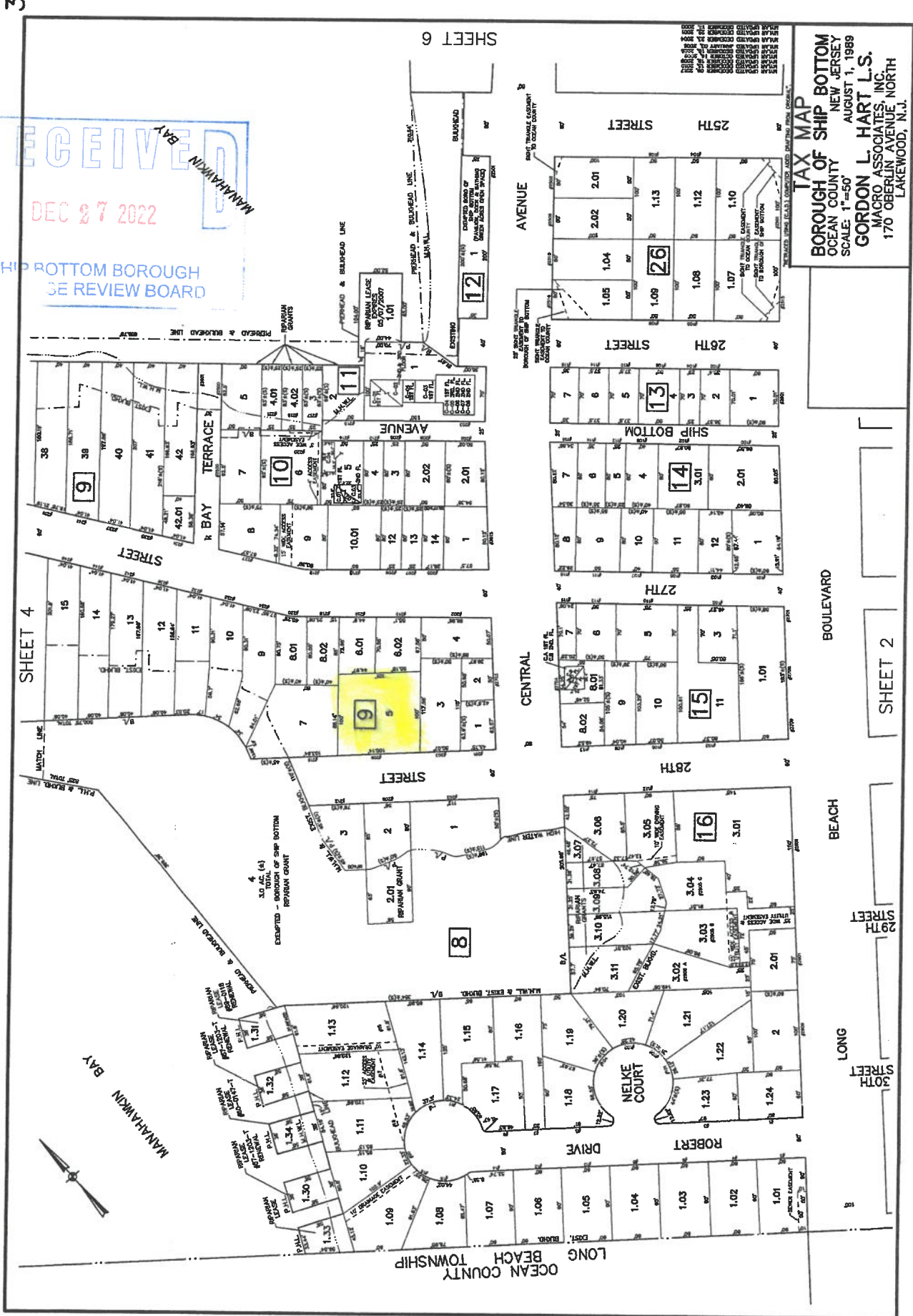
All plans and related papers are on file and available for inspection in the office of the Land Use Review Board, 1621 Long Beach Boulevard, Ship Bottom, New Jersey during normal business hours.

Kelly & Visotcky, LLC

Dated: December , 2022

By: _____
Richard P. Visotcky, Esquire
Attorney for Applicants

RECEIVED
DEC 27 2022
SHIP BOTTOM BOROUGH
SE REVIEW BOARD



TAX MAP
BOROUGH OF SHIP BOTTOM
OCEAN COUNTY
NEW JERSEY
AUGUST 1, 1989
SCALE: 1"=50'
GORDON L. HART L.S.
MACRO ASSOCIATES, INC.
170 OBERLIN AVENUE, NORTH
LAKEWOOD, N.J.

SHEET 2





