

RABAN & RABAN

— LLC —

Attorneys at Law

**11710 Long Beach Blvd.
Haven Beach, NJ 08008**

REGINALD J. RABAN (Retired)
JAMES S. RABAN*▲

MEMBER OF NJ BAR *
MEMBER OF PA BAR ▲

TEL (609) 492-0533
FAX (609) 492-0464

October 6, 2023

Via Hand Delivery

Sara Dela Cruz, Secretary
Ship Bottom Land Use Review Board
1621 Long Beach Boulevard
Ship Bottom, NJ 08008

Re: Wainwright Amusements, LLC Amended Major Site Plan & Variance
Block 107, Lot 9, Borough of Ship Bottom
702-716 Long Beach Blvd., Ship Bottom, NJ 08008

Dear Ms. Dela Cruz:

Enclosed please find the following with regard to the above referenced matter:

- (x) 18 copies of Land Use Development Application
- (x) 18 copies of Site Plan prepared by Jim Brzozowski of Horn, Tyson & Yoder
- (x) 18 Copies of Renderings prepared by Dynamic Designs, Inc.;
- (x) 18 Copies of Architectural Plans prepared by The Bannett Group Design;
- (x) Affidavit of Ownership;
- (x) W-9;
- (x) Public Notice;
- (x) Escrow Fee Check No.: 3104 Amount \$1,850.00;
- (x) Administrative Fee Check No.: 3105 Amount \$2,875.00;
- (x) Please consent and/or approve for public hearing on November 15, 2023 at 7.00 p.m.

Thank you for your courtesies and attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


JAMES S. RABAN

JSR/dh

Sara Dela Cruz, Secretary

October 6, 2023

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Enc.

Cc: Brian Wainwright (via email)
Jim Brzozowski, Horn, Tyson & Yoder (via email)
Dynamic Designs (via email)
Bannett Group Design, LLC (via email)
Frank J. Little, Jr., P.E., P.P., C.M.E. (via email)
Joseph Coronato, Sr., Esq. (via email)
Joseph Coronato, Jr., Esq. (via email)

LAND USE DEVELOPMENT APPLICATION

BOROUGH OF SHIP BOTTOM
17TH & LONG BEACH BOULEVARD
SHIP BOTTOM, NEW JERSEY 08008
(609) 494-2171

TO BE COMPLETED BY BOROUGH STAFF ONLY

Date Filed _____ Docket No. _____
Application Fees _____ Escrow Deposit _____
Scheduled for: Review of Completeness _____ Hearing _____

1. SUBJECT PROPERTY - TO BE COMPLETED BY APPLICANT

Location : 702-716 Long Beach Blvd.
Tax Map Page 18 Block 107 Lot 9
Dimensions Frontage 200 feet Depth 160 feet Total Area 32,000 sq. ft.
Zoning District: GC - General Commercial District

2. APPLICANT

Name Wainwright Amusements LLC

Address 320 Seventh St., Beach Haven, NJ 08008

Telephone Number: Home: 732-552-0050 Local:

Work: Applicant is a Corporation Partnership Individual
Other: Limited Liability Company Fax:

Social Security Number / Federal ID Number

3. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate application or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 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 Wainwright Family Enterprises Inc. Interest 99%

Address 509 N. Main St., Manahawkin, NJ 08050

Name Interest

Address

APPLICANT IS RESPONSIBLE FOR PAYMENT OF ALL PROFESSIONAL REVIEW FEES, INCLUDING THE ENGINEERING AND ATTORNEY. ALL ENGINEERING AND LEGAL FEES MUST BE PAID BEFORE CONSTRUCTION OR ZONING PERMITS CAN BE ISSUED.

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

Owner's Name 702 Park Property LLC

Address 509 North Main Street, Manahawkin, NJ 08050

Telephone Number: Home: Work: 732-552-0050 Local:

Relationship of the applicant to the property in question:

Owner: Lessee X Purchaser Under Contract: Other:

5. PROPERTY INFORMATION:

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

Yes (attach copies) No X

Note: All Deed Restrictions, Covenants, Easements, Rights of Ways, Association By-Laws, or other dedications existing and proposed must be submitted for review.

Site Plan and / or conditional use applicants:

Proposed for: New Structure Expanded Area Alteration

Expansion of Structure X Change of Use Sign

Other (please specify) internal modifications

Has this property been the subject of any prior application (s) to the Planning Board or Zoning Board of Adjustment? Yes X No

See attached resolutions:

- Docket No. 83-08: original CVS site plan approval
Docket No. 2006:05 SP/V: approval for new sign
Docket No. 2006:05(A) SP/V: approval permitting the retail sale of prepared sandwiches and salads and to add a "slushy machine"
Docket No. 2019:05 SP/V: site plan and variance approval to permit the use of the property for a family entertainment use

Is the subject property located on:

A County Road: Yes X No ; A State Road: Yes No X
within 200 feet of a municipal boundary: Yes No X

Present use of the premises: Vacant commercial building; most recently a CVS

6. Applicant's Attorney JAMES S. RABAN

Address 11710 Long Beach Blvd., Haven Beach, NJ 08008

Telephone Number (609) 492-0533 Fax Number (609) 492-0464

7. Applicant's Engineer / Surveyor Horn, Tyson & Yoder, Inc.
Address 8510 Long Beach Blvd., Long Beach Township, NJ 08008
Telephone Number 609-492-5050 Fax Number 609-492-4163

8. Applicant's Planning Consultant same as Engineer
Address
Telephone Number Fax Number

9. Applicant's Architect: Bannett Group Design, LLC
Address: 1998 Springdale Road, Suite 101A
Telephone Number: 856-751-8800 Fax Number 856-751-4959

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 Number Fax Number

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

Minor Subdivision Approval
Subdivision Approval (Preliminary)
Subdivision Approval (Final)
Number of Lots to be created Number of proposed Dwelling Units
(if applicable)
Area and Dimensions of each Proposed Lot

SITE PLAN:

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

Total number of proposed dwelling units
Request for Waiver from Site Plan Review and Approval

Reason for Request:

INFORMAL REVIEW
APPEAL DECISION OF AN ADMINISTRATIVE OFFICER [N.J.S. 40:55d-70A]
MAP OR ORDINANCE INTERPRETATION OR SPECIAL QUESTION [N.J.S. 40:55D-70B]
VARIANCE RELIEF (HARDSHIP) [N.J.S. 40:55D-70C (1)]
X VARIANCE RELIEF (SUBSTANTIAL BENEFIT) [N.J.S. 40:55D-70C (2)]

- X VARIANCE RELIEF (USE) [N.J.S. 40:55D-70D]
CONDITIONAL USE APPROVAL [N.J.S. 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. 40:55D-34]
DIRECT ISSUANCE OF A PERMIT FOR A LOT LACKING STREET FRONTAGE [N.J.S. 40:55D-35]

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

Section 16.48.010(A): The proposed family entertainment use is not a permitted use in the General Commercial Zone. The Applicant is proposing a second-story addition over a portion of the existing structure, which will be utilized for storage related to the family entertainment use on the first floor. Therefore, the expansion constitutes an expansion of a nonconforming use, which requires a special reasons variance.

Section 16.48.010(D): The maximum permitted lot coverage is 80%. The existing and proposed lot coverage is 86.3%, which is a preexisting nonconforming condition that is not changing.

Section 16.48.010(F)(1): There are 53 off-street parking spaces required at the site. There are 38 existing off-street parking spaces; 42 off-street parking spaces are proposed.

13. Waivers Requested of development Standards and/or Submission Requirements: (attach additional pages as needed)

The Applicant requests a waiver of normal site plan detail due to the fact that the site is fully developed.

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.

15. An Affidavit of Service on all property owners and a Proof of Publications must be filed before the Application will be complete and the hearing can proceed.

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)

The Applicant previously received approval to renovate the existing commercial structure on the property and to convert the use of the property to a family entertainment center. The proposed activities/uses at the site include a game zone, escape room, café, and XD theater. The Applicant is proposing to construct a 3,775 square-foot second-story addition on the existing building, which will be used for storage related to the family entertainment use.

16. Is a public Water Line available? Yes
17. Is public Sanitary Sewer available? Yes
18. Does the application propose any lighting? No new lighting as a result of the proposed addition.

- 19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate Lot and Block number ? N/A
- 20. Are any Off-Tract Improvements required or proposed ? No
- 21. Is the Subdivision to be filed by Deed or Plat ? N/A
- 22. What form of security does the applicant propose to provide as performance and maintenance guarantees ?
N/A
- 23. OTHER APPROVALS WHICH MAY BE REQUIRED AND DATE PLANS SUBMITTED:

	YES	NO	DATE PLANS SUBMITTED
SHIP BOTTOM FIRE PREVENTION BUREAU		X	
SHIP BOTTOM WATER & SEWER DEPT.		X	
SHIP BOTTOM PUBLIC WORKS DEPT.		X	
LONG BEACH ISLAND HEALTH DEPT.		X	
OCEAN COUNTY PLANNING BOARD	X		
OCEAN COUNTY SOIL CONSERVATION DEPT.	X		
N.J. DEPT. ENVIRONMENTAL PROTECTION		X	
SANITARY SEWER CONNECTION PERMIT		X	
SEWER EXTENSION PERMIT		X	
WATERFRONT DEVELOPMENT PERMIT		X	
WETLANDS PERMIT		X	
TIDAL WETLANDS PERMIT		X	
F.E.M.A.		X	
N.J. DEPT. OF TRANSPORTATION		X	
ATLANTIC ELECTRIC		X	
N.J. NATURAL GAS		X	

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)

- 18 copies of Site Plan prepared by Horn, Tyson & Yoder, Inc.
- 18 copies of Floor Plans and Elevations prepared by Bannett Group Design, LLC
- 18 copies of Conceptual Floor Plan of First Floor prepared by Dynamic Designs

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. A LIST OF THE PROFESSIONAL CONSULTANTS IS ATTACHED TO THE APPLICATION FORM.

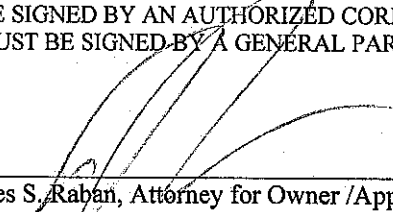
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

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
<u> x </u>	Attorney	<u>All Reports</u>
<u> x </u>	Engineer	<u>All Reports</u>
<u> x </u>	Architect	<u>All Reports</u>

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 OR 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)



 James S. Raban, Attorney for Owner /Applicant

28. I UNDERSTAND THAT A SUM, TO BE DETERMINED, WILL BE DEPOSITED IN AN ESCROW ACCOUNT, IN ACCORDANCE WITH THE ORDINANCES OF THE BOROUGH OF BEACH HAVEN. 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 UNDERSTAND THAT I WILL BE RESPONSIBLE FOR PAYING FEES DUE TO THE LAND USE BOARD ATTORNEY AND ENGINEER.

Dated:

10/6/23



 SIGNATURE OF OWNER OR APPLICANT
 James S. Raban, Attorney for Owner/Applicant

BOROUGH OF SHIP BOTTOM PROFESSIONAL CONSULTANTS

LAND USE BOARD ATTORNEY

Joseph D. Coronato, Sr.
680 Hooper Avenue,
Building C, Second Floor, Suite 304
Toms River, NJ 08754

(732) 240-4600

ENGINEER

Frank J. Little, Jr. P.E., P.P.
Owen, Little & Associates, Inc.
443 Atlantic City Boulevard
Beachwood, NJ 08722

(732) 244-1090

FAX (732) 341-3412

107/9, 10, 11, 12, 13

RESOLUTION

(Docket No: 83-08)

70x120

WHEREAS, ROBERT HEKEMIAN and SAMUEL HEKEMIAN of Hackensack, New Jersey, have made application to the Zoning Board of Adjustment of the Borough of Ship Bottom for a variance and site plan to construct a retail store with dimensions of 70 x 120 feet upon premises known as Lots 9, 10, 11, 12 and 13, Block 107 for use as a CVS Drug Store; and

WHEREAS, the Zoning Board of Adjustment after consideration of testimony of applicant, Robert Hekemian, Applicants' architect, Gyrn Wilson, Andre Guenhoff, applicants' traffic engineer and representatives of CVS, and review of the plans and application submitted and reports of the Borough engineer, has made the following factual findings:

1. The property is owned by Mrs. Collins, Garrison and COLMER of 10 West 30th Street, Beach Haven, New Jersey, the applicants are contract purchasers;
2. All jurisdictional requirements have been met;
3. The property is 160 x 200 feet with the front 100 feet being located in the commercial zone and the rear 60 feet being located in the hotel motel zone. The proposed use not being permitted in said hotel motel zone;
4. The applicant proposes to construct an 8,400 square foot building reduced from his original plans of 9100 square feet; said building to have dimensions of 120 x 70 feet;
5. The plans as submitted do not provide adequate access and egress and should be redesigned to indicate a triangular angle to force northbound turns;
6. The proposed one foot sideyard was inadequate and applicant has increased same to 11 feet which is acceptable to the Board;
7. The use and size of the lot is more practical as

8400 sq ft

proposed than the limited hotel motel use for the rear 60 feet;

8. Applicant will build the structure for exclusive occupancy of a CVS store which is a drug and dry goods store. There will be no soda fountain or foods other than packaged foods for off-premises consumption such as soda and candy. The store is not to be used as a grocery store;

9. The 10 foot radius at the loading zone on 8th Street is inadequate and must be enlarged to 15 feet;

10. Parking is adequate;

11. A sign should be installed prohibiting left turns;

AND WHEREAS, the Zoning Board of Adjustment has determined that the variance requested can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinances of the Borough of Ship Bottom as the proposed use is compatible with the hotel motel uses and adjoining commercial use; and the development will be an improvement to the property,

NOW, THEREFORE, be it resolved that the application of ROBERT HEKEMIAN and SAMUEL HEKEMIAN, be and hereby is approved for a variance to use 60 feet of the hotel motel zone for the purposes of a CVS store and site plan approval is granted subject to revised plans being submitted indicating the increase radius of the curb and island on Long Beach Boulevard together with installation of a "no left turn" sign; and further subject to applicant meeting the conditions of the letter of Marc Associates, Inc. dated May 11, 1983 and subject to the approval of the revised plans by Marc Associates, Inc. and subject to the elevation being approved by the Ship Bottom Planning Board and modification of plans to meet any elevation mandated by said Board; and further subject to applicant meeting all other rules, statutes, ordinances and regulations affecting the

premises inclusive of any and all fire safety standards and all signs and lighting to meet all local ordinances; also further subject to the limitation of the use to preclude any sale of and for consumption of food on premises except bottles or canned soda and candy; and further subject to all mechanical units being placed on the roof including but not limited to air conditioning units.

Frank J. Bennett

SECRETARY, ZONING BOARD OF ADJUSTMENT,
BOROUGH OF SHIP BOTTOM

C E R T I F I C A T I O N

I hereby certify that the above is a true copy of the Resolution adopted by the Borough of Ship Bottom at a meeting of the Zoning Board of Adjustment held on the 9th day of June 1983.

Frank J. Bennett

SECRETARY, ZONING BOARD OF ADJUSTMENT,
BOROUGH OF SHIP BOTTOM

**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. 2006:05 SP/V**

WHEREAS, National Sign Services has made application to the Land Use Review Board of the Borough of Ship Bottom for Minor Site Plan approval together with any required variances and for an interpretation of the Borough of Ship Bottom Land Development Ordinance to replace the previously approved and existing free standing 30 square foot pylon sign with a new 90 square foot pylon sign containing a message board at property known and designated as Lot 9 Block 107 located at 702 Long Beach Boulevard, commonly known as the CVS Pharmacy, 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 conducted on May 17, 2006. The applicant was represented by Joseph D. Rocco, Esq. of the law firm Stark and Stark. The previously approved plan of Charles H. Mackie Associates, Inc. entitled "Site Plan of Tax Lots 9, 10, 11, 12 & 13, Block 107 Situated in the Borough of Ship Bottom, Ocean Co., N.J." dated March 30, 1983 under signature of Charles H. Mackie, P.E. & L.S., was entered into evidence as exhibit A-1; computer generated photographs of the existing and proposed sign and the drawing of the proposed sign; dated February 6, 2006 prepared by National Sign Services for 702 Long Beach Blvd. Ship Bottom, NJ CVS/pharmacy #0682 was entered into evidence as exhibit A-2; the application dated February 6, 2006 was entered into evidence as exhibit A-3. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, and dated May 9, 2006 was entered into evidence as exhibit B-1. The Resolution Docket No: 83-08 adopted on June 9, 1983 granting development approval and variances to construct the existing CVS store on the property, was entered into evidence as exhibit J-1. Testimony was offered by Robert Oelenschlager, a representative of National Sign Services and consultant to CVS. Public comment was offered by Giovanni Rossini and Dorothy Jedzeniak; and

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

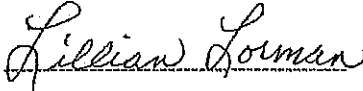
1. All jurisdictional requirements have been met.
2. This property is fully developed with a retail pharmacy known as CVS, in accordance with the prior approval of the Ship Bottom Zoning Board of Adjustment as set forth in exhibit J-1 and approved site plan of Charles H. Mackie Associates, Inc. as entered into evidence as exhibit A-1.

3. The applicant, National Sign Services, proposes to remove the existing 30 square foot pylon sign and replace it with a new 90 square foot pylon sign containing 52.7 square feet of signage and 37.9 square feet of an electronic message board.
4. The property is located in the GC General Commercial Zone; the existing development appears to conform to the bulk requirements of the zone. However, the existing sign is approximately two (2) feet from the property line, where a minimum five (5) foot set back is required.
5. The message board as initially proposed has an electronic message, which will fade in and fade out; changing every three minutes.
6. The board finds that the sign is located at the southwest corner of the property at the intersection of Long Beach Boulevard and 8th Street. That intersection is heavily traveled by pedestrians; as the property borders the multifamily zone and there are motels and multifamily dwellings located in this area. Also there is substantial traffic at this location due to it's proximity to the causeway, the only means of access and egress from Long Beach Island.
7. The applicant offered testimony that the message board will not flash, scroll or have blinking lights. Notwithstanding, the Board finds that the sign does use mechanical and electric devices to display movement or the illusion of movement, as prohibited by Section 16.52.130 of the Borough Ordinances.
8. The applicant will provide the Borough with an opportunity to utilize the message board for public service messages and in the event of emergencies.
9. The Board finds that the message board will create a distraction to those persons traveling on Long Beach Boulevard; and will contribute to an unsafe situation for pedestrian traffic.
10. The applicant has agreed to lower the height of the sign to 23 feet; set the sign back 10 feet, exceeding the five foot set back requirement, and to reduce the size of the sign to 70 square feet. The time for the messages will be extended to nine (9) minutes between changes.
11. Notwithstanding the modifications proposed by the applicant the board finds the sign as proposed to be too large; will create an unsafe distraction to vehicular traffic and will contribute to an unsafe condition for pedestrians.; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, National Sign Services for Minor Site Plan approval together with any required variances and for an interpretation of the

Borough of Ship Bottom Land Development Ordinance to replace the previously approved and existing free standing 30 square foot pylon sign, with a new pylon sign at a ten (10) foot set back, containing seventy (70) square feet, inclusive of a message board, with messages changing every nine (9) minutes at property known and designated as Lot 9 Block 107 located at 702 Long Beach Boulevard, commonly known as the CVS Pharmacy, in the Borough of Ship Bottom, County of Ocean and State of New Jersey can not 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 for the reasons aforementioned. As previously stated, Section 16.52-130 of the Borough Ordinances prohibits the sign (message board) as proposed by applicant.

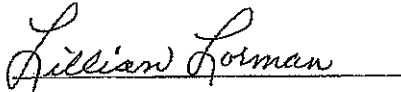
NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of National Sign Services for Minor Site Plan approval together with any required variances to replace the previously approved and existing free standing sign, with a new free standing pylon sign maintaining a set back of ten (10) feet; being 70 square feet in size; with a message board, changing messages every nine (9) minutes; at property known and designated as Lot 9 Block 107 located at 702 Long Beach Boulevard, commonly known as the CVS Pharmacy, in the Borough of Ship Bottom, County of Ocean and State of New Jersey, be and hereby is, denied.


LILLIAN LORMAN, SECRETARY

Adopted: June 21, 2006
Moved By: Mr. Covert
Seconded By: Councilman English

-CERTIFICATION-

I, Lillian Lorman, 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 June 21, 2006.


LILLIAN LORMAN, SECRETARY

**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. 2006:05(A) SP/V**

WHEREAS, CVS Ship Bottom, L.L.C. a New Jersey limited liability company has made application to the Land Use Review Board of the Borough of Ship Bottom as an amendment and supplement to the application filed under Docket 2006:05SP/V submitted by National Sign Services to permit a modification and expansion of the previously approved variances and site plan under Resolution Docket No. 83-08 adopted by the Ship Bottom Zoning Board of Adjustment on June 9, 1983 to permit the retail sale of prepared sandwiches and salads and to add a "slushy machine" at property known and designated as Lot 9 Block 107 located at 702 Long Beach Boulevard, commonly known as the CVS Pharmacy, 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 conducted on May 17, 2006. The applicant was represented by Jack Plackter, Esq. of the law firm Fox Rothchild. The previously approved plan of Charles H. Mackie Associates, Inc. entitled "Site Plan of Tax Lots 9, 10, 11, 12 & 13, Block 107 Situated in Borough of Ship Bottom, Ocean Co., N.J." dated March 30, 1983 under signature of Charles H. Mackie, P.E. & L.S., was entered into evidence as exhibit A-1; the rider to and amendment of Land Use Development Application received April 19, 2006, was entered into evidence as exhibit A-1 (a). The plan of Larson Design Group entitled CVS/pharmacy Store number 0682; 702 Long Beach Boulevard Ship Bottom, NJ 08008 captioned Merchandise Plan dated March 13, 2006 was entered into evidence as exhibit A-2(a). The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, and dated May 9, 2006 was entered into evidence as exhibit B-1. The Resolution Docket No: 83-08 adopted on June 9, 1983 granting development approval and variances to construct the existing CVS store on the property, was entered into evidence as exhibit J-1. Testimony was offered by Tom Zetkulic a licensed Professional Planner and by Bob Gladis, a district manager of seventeen CVS stores in Ocean and Monmouth County. Public comment was offered by Dorothy Jedzeniak; and

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

1. All jurisdictional requirements have been met.
2. This property is fully developed with a retail pharmacy known as CVS, in accordance with the prior approval of the Ship Bottom Zoning Board of Adjustment as set forth in exhibit J-1 and approved

site plan of Charles H. Mackie Associates, Inc. as entered into evidence as exhibit A-1.

3. The board adopts as if set forth herein at length the May 9, 2006 letter of Frank J. Little, Jr. as entered into evidence as exhibit B-1.
4. The applicant proposes to increase the use of the store to include a "slushy machine" and to sell prepared sandwiches and salads. There is not any food preparation proposed at the site.
5. The applicant has relocated its pharmacy operation to another location in the Borough and proposes to utilize this location for dry goods, certain foods and drinks and as a variety store. Applicant testified that the consumables at the store will be limited to an area of not more than 20% of the building.
6. As the zoning has changed since the adoption of the prior approval for this development, the use as proposed conforms to the permitted uses in the GC Zone, where this property is located. Previously the property was located within a split zone; with a portion of the property being located in the hotel/motel zone.
7. Notwithstanding, the applicant recognizes that the property will not be used or converted into a convenience store; there will not be brewed coffee sold; food preparation or on premises food consumption permitted at the site. The area for food, including the off premises prepared sandwiches and salads, and drinks will not exceed 20 % of the store.
8. The applicants will add two (2) additional trash receptacles, and if required, will provide for weekend trash removal.
9. The applicant further testified that the facility will provide public restrooms to the residents and visitors to the Borough of Ship Bottom and that a sign offering public restrooms will be conspicuously displayed; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, CVS Ship Bottom, L.L.C. a New Jersey limited liability company to permit a modification and expansion of the previously approved variances and site plan under Resolution Docket No. 83-08 adopted by the Ship Bottom Zoning Board of Adjustment on June 9, 1983 to permit the retail sale of prepared sandwiches and salads and to add a "slushy machine" at property known and designated as Lot 9 Block 107 located at 702 Long Beach Boulevard, commonly known as the CVS Pharmacy, 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 the proposal of the Applicant conforms with the Zoning Ordinances of the Borough of Ship Bottom, so long as a "convenience store" is not established. There

will not be any food preparation or consumption at the site. The area for the sale of food and drinks will not exceed twenty (20%) per cent of the buildings area. There will not be any sales of brewed coffee or other drinks (prepared on premises) at the site.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of CVS Ship Bottom, L.L.C. a New Jersey limited liability company to permit a modification and expansion of the previously approved variances and site plan under Resolution Docket No. 83-08 adopted by the Ship Bottom Zoning Board of Adjustment on June 9, 1983 to permit the retail sale of prepared sandwiches and salads and to add a "slushy machine" at property known and designated as Lot 9 Block 107 located at 702 Long Beach Boulevard, commonly known as the CVS Pharmacy, in the Borough of Ship Bottom, County of Ocean and State of New Jersey, and to provide a store layout as set forth in the plan of Larson Design Group, as entered into evidence as exhibit A-2 (a) 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 May 9, 2006, as entered into evidence as exhibit B-1; and applicant complying with all other technical revisions as may be required by the Board engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant removing and replacing all curbs and sidewalks that are deteriorated or below current design standards. All replacements will conform to current code requirements and be installed under the direction and be subject to the approval of the Board Engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon any 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 property and uses therein.

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 matter, including but not limited to the Health Department and Department of Public Works.

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.

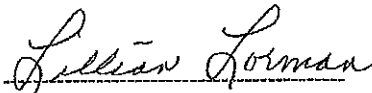
BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Ship Bottom, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions as set forth herein and at the public hearing, and all representations as placed on the record at the public hearing conducted on May 17, 2006 when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant limiting the area of the store for food and beverage sales to not more than twenty (20%) percent of the building size. Applicant shall not permit food preparation or food and drink consumption at the site. The building may not be utilized as a "convenience store", and the preparation or sale of brewed coffee or other prepared drinks at the site is prohibited, without further Board approval.

BE IT FURTHER RESOLVED that applicant will supplement its' existing trash area by adding not less than two (2) additional trash receptacles. Applicant shall maintain and police its' site to prevent trash buildup and trash accumulation in the adjoining neighborhood. If required by Borough officials or the Board Engineer, applicant shall arrange for additional trash pick up during the weekends.

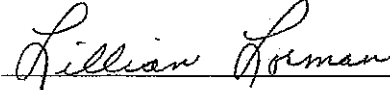
BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant providing public restrooms at it's' facility for use of the general public and visitors to Ship Bottom. Applicant will provide adequate signage to notify the public of the existence of these facilities.



LILLIAN LORMAN, SECRETARY

-CERTIFICATION-

I, **Lillian Lorman**, 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 June 21, 2006.



LILLIAN LORMAN, SECRETARY

Adopted: June 21, 2006

Moved By: Mr. Covert

Seconded By: Councilman English

Roll call vote: Stockton, Councilman English, Covert, Tallon, Hay, Butkus, Moritz and Dunn, Aye, to approve this application.

**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. 2019:05 SP/V**

WHEREAS, Wainwright Amusements, LLC has made application to the Land Use Review Board of the Borough of Ship Bottom for Preliminary and Final Site Plan Approval together with variances to permit the use of the property for a family entertainment use, which is not permitted in the GC-General Commercial Zone; and for waivers from submitting complete site plan detail due to the property being fully developed at 702-716 Long Beach Boulevard, known and designated as Lot 9 Block 107 in the Borough of Ship Bottom, County of Ocean and State of New Jersey.

WHEREAS, the Land Use Review Board considered this application at a public hearing conducted on March 20, 2019. The applicant was represented by James S. Raban, Esq. The application dated January 30, 2019 together with attachments, a copy of the Public Notice; and Resolutions of Memorialization 83-08 adopted June 9, 1983; 2006:05 SP/V adopted June 21, 2006; and 2006:05(A) adopted June 21, 2006; was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc. titled "Site Plan Lot 9 Block 107 Tax Map Sheet #18 Borough of Ship Bottom, Ocean County, New Jersey" dated October 10, 2018 under signature and seal of James D. Brzozowski, Professional Engineer, Professional Planner and Robert G. deBlois, PLS was entered into evidence as Exhibit A-2; conceptual plans prepared by the Dynamic Designs, Inc. dated December 10, 2018, containing nine (9) computer generated sheets; Concept Presentation a computer generated façade of the building; Conceptual Floor Plan; Game Room ; Prizes; Café; Escape Room; Chaos Room; Virtual Reality; and XD Theater was entered into evidence as Exhibit A-3; the report from McDonough & Rae Associates, Inc. Traffic and Transportation Consulting dated March 14, 2019 under signature of John H. Rae, PE and Scott T. Kennel, Sr. Associate was entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., PE, PP, CME, and dated March 13, 2019 was entered into evidence as Exhibit B-1, and the memorandum from the Ship Bottom Volunteer Fire Co. No. 1, Inc. Station 46 dated March 3, 2019 submitted by Todd MacLennan, Ship Bottom Fire Chief was entered into evidence as Exhibit B-2. Testimony was offered by James D. Brzozowski, the applicant's engineer and planner; Brian Wainwright, managing member of applicant; Scott Kennel, applicant's traffic consultant and Michael D. Kauker, applicants professional planner. Douglas J. Widman, Esquire from the law firm Davison Eastman, Munoz, Lederman & Paine, PA appeared on behalf of Hartland Golf & Arcade and Our Endless Summer, in objection to the application. He introduced O-1 into evidence, a copy of the Route 72 drawing form the New Jersey Department of Transportation dated May 2012; O-2 page four of the 2006 Master Plan Update; and O-3 a copy of Ordinance 8.2.2 referencing the licensing requirement for amusement games. Public comment was offered by Carl Czarzasty; Lindsay Meneses Skip Butler; Fred Madonna; Nicholas Garafola; John

Battista; Mark Burgan; Duane Watlington; Katherine Shaw; Dan Malay; Neil Roth and Shawn McKillop; and

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

1. All jurisdictional requirements have been met.
2. The property currently is improved with a vacant commercial building containing 9,775 square feet, having been previously occupied by a CVS Pharmacy.
3. The property is located on the northeast corner of 8th Street and Long Beach Boulevard; it consists of a lot with dimensions of 200.00 x 160.00 feet; fronting on Long Beach Boulevard, 8th Street and 7th Street. improved with a one story building and blacktop parking area containing 42 parking spaces, four (4) being 8.6' x 20' where 9' x 20' feet is required.
4. The site is located in the GC - General Commercial Zone. The property is completely developed; the setbacks all conform to code. The building coverage is 29% where 30% is permitted; and the lot coverage appears to be nonconforming at 86% where 80% is permitted.
5. Applicant proposes to renovate the existing building, there are not any additions or modifications proposed to the footprint; the exterior will be cosmetically changed as depicted in Exhibit 3. The application calls for a family entertainment center; to include a game zone, escape room, chaos room, café, and XD Theater. The arcade and entertainment uses proposed at the site are not permitted uses in the GC-General Commercial Zone. Applicant is before the Board requesting a Use Variance under N.J.S.A. 40:55D-70d.
6. The site provides 17 parking spaces on the southerly side of the building, including 2 van accessible spaces, four of those spaced adjacent to the building are 8.6' wide where 9 feet is required; there are 25 conforming parking spaces in the front of the building adjacent to Long Beach Boulevard. The site was granted variance relief by the Zoning Board of Adjustment in 1983; which allowed the development of the CVS Store in the Commercial Zone and Hotel Motel Zone, the rear 60 feet of the property was located in the Hotel Motel Zone at the time of that application. The Zoning Board found the parking to be adequate; and reflected a building with dimensions of 70' x 120 feet; Planning Board approval was also required. It appears that the building was constructed and approved at the time of occupancy by CVS; the dimensions ate 73.2 x 122.7 feet; with an enclosed area in the southwest corner, adding additional square feet.
7. The site has two (2) loading zones, on 7th Street the loading zone has dimensions of 15.7 x 47 feet with a 15 x 26 foot trash enclosure to its; south.

- A six (6') foot high concrete wall is constructed at the easterly boundary of the loading zone and trash enclosure; where it abuts the adjoining property.
8. The property was acquired on February 14, 2019 by Park Property, LLC; Brian Wainwright is the managing member of that entity.
 9. Applicant will be leasing and operating the property.
 10. Ship Bottom provides for two (2) amusement facilities, which are preexisting, and are subject to licensing. The Master Plan specifically states that amusement type uses are not permitted in any Zone within the Borough
 11. Applicant proposes a small format family entertainment center. It intends to keep the business open on a year round basis.
 12. The proposed hours of operation are 10:00 AM until midnight; with 10:00 AM to noon being open for parties; and from noon to midnight the center will be open to the public.
 13. Applicant anticipates 3-5 employees at any given time; and anticipates 40 to 60 guests at any time.
 14. The XD Theater is a virtual reality ride; where the chair moves in place; the escape room and chaos room provide activities for the patrons where they will be purchasing time slots to use these facilities; the café will have pretzels, drinks, pizza, hot dogs, and other snacks and food items, there will not be any exhaust system outside of the building, will limit the foods to avoid the necessity for an exhaust system; the game room will have skee-ball, hoop shoots; video games, and other games; which will provide coupons for redemption for prizes; being located at the site as reflected in the Exhibit 3. The operation will be similar to the arcade operation at Fantasy Island in Beach Haven and the redemption and tickets may be shared between the locations. Applicant intends to provide different games at this location than at Fantasy Island.
 15. According to Applicants' traffic consultant, the proposed use will generate less traffic than the prior CVS use at the site; there will be more walkers, bicyclists, and drop off and pick up of customers. With two points of access there will be a safer traffic flow, as there will be less K or U turns. His opinion is based upon his experience, and the 100 customers per hour that a pharmacy generated. He further indicated that the two (2) other amusement uses in the Borough have 15 and 16 parking spaces respectively. He finds that the site provides adequate parking for the proposed use.
 16. The Board is aware of the surrounding area, a new condominium development has been constructed to the west across Long Beach Boulevard and there is a furniture store located to the west across Long Beach Boulevard; there are hotel/motel, multifamily and single family residential properties to the east, a surf shop is located across 7th Street to the north; and a 7-11 is located to the south across 8th Street.

17. According to applicants' planner, the site will provide amenities to residents and visitors; a vacant site will be repurposed and occupied; the site is specifically suited for this use; there is adequate parking and safe ingress and egress; the building can accommodate the proposed use. The proposed use will promote the general welfare of the community. There is not a need for a buffer, as there is a concrete wall at the property line between the site and adjoining residential uses on 7th Street; and there is adequate fencing between the site and the motel/multifamily use on 8th Street. He also opined that the improvements to the façade of the building will be aesthetically beneficial; all renovations will be within the building, there will not be any negative impact upon the site; and the commercial use will be maintained at the site in conjunction with the purposes set forth in the Master Plan.
18. The property currently is not maintained; there is trash and debris accumulation, and members of the public utilize the area in the rear as an outside bathroom.
19. There will not be any outside odors associated with the proposed use; applicant will maintain the exterior of the property; and provide security to keep the outside area free from congestion.
20. There is concern from the public regarding the hours of operation, where there is a request for closing at 10:00PM instead of midnight.
21. There are safety concerns raised due to the location of the site at a very busy intersection.
22. Applicant will address concerns of public regarding lighting, the exterior lighting will conform to ordinances, and shall not interfere with any of the surrounding residential units; lighting will be low level for security purposes.
23. Applicant proposes to soundproof parts of the building, and will conform to all noise ordinances of the Borough.
24. The Board adopts the contents of the March 13, 2019 letter from Frank J. Little, Jr, entered into evidence as Exhibit B-1, as if set forth herein at length.
25. The Board adopts the requirements and recommendations of the Ship Bottom Volunteer Fire C. No. 1, Inc. as set forth in Exhibit B-2; as if set forth herein at length; and

WHEREAS, the Board received a request from Counsel for the objector and consented to by Counsel for the applicant to adjourn the public hearing in this matter until the April 17, 2019 meeting of the Board, applicant waived all time constraints; and the Land Use Board voted to continue the application until the April 17, 2019 meeting of the Board; and

WHEREAS, the Land Use Board again considered this application at a public hearing conducted on April 17, 2019. The applicant was represented by James S Raban, Esq. Dennis Galvin, Esq. a partner in the law firm of Davison Eastman, Munoz, Lederman & Paine, PA appeared on behalf of Hartland Golf & Arcade and Our Endless Summer, in

objection to the application. The following documents were entered into evidence, O-1 Page 4 of 5 of the 2006 Master Plan Update and Reexamination; O-2 Page 5 of 5 2000 Master Plan Update and Reexamination; O-3 Police Ordinance 5.16.010 & 5.16.020 ; and O-4 DOT Plan titled Drainage and Operational Improvement dated May 2012. Testimony was offered by Paul Wood owner of Our Endless Summer in opposition to the application; testimony was offered by Andrew Thomas, P.P., objector's professional planner, in opposition to the application. Brian Wainwright managing member of applicant testified. Public comment was offered by Rachel Colton; David Seegers, an employee of applicant; Jason Fagans; Kenneth Formica; Angela Trampota; Martin Stipicevic and Malcolm Leslie; and

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

26. Our Endless Summer is an approved licensee for amusement games. That facility provides an arcade with redemption prizes and an ice cream parlor. The arcade is 2,200 square feet in area; the property has 21 spaces. According to Mr. Wood, there is a demand for parking during the day; and the 42 spaces provided by applicant will not be adequate for the proposed arcade area of 4,430 square feet. Mr. Wood also testified that the average time spent at the arcade by a patron is 1 to 1.5 hours.
27. Andrew Thomas testified that applicant must demonstrate the positive and negative criteria to be entitled to the relief requested. He testified that the Borough has two permitted areas for the arcade use, 4th and Long Beach Boulevard where Our Endless Summer is located and 28th Street and Long Beach Boulevard where Hartland Golf and Arcade is located. According to Mr. Thomas there is not any need for additional entertainment uses, as proposed.
28. Mr. Thomas opined that the proposal by applicant does not meet the criteria for approval; the proposed use does not serve the public welfare, and is specifically prohibited under the Master Plan, whereupon the relief requested would impair the zone plan and zoning ordinances of the Borough of Ship Bottom.
29. Applicant has modified the application to provide a closing time of 11:00 PM.
30. Applicant also confirmed that there will not be any blinking lights; or lighting at the site to interfere with the surrounding residential uses.
31. The Board finds that the most recent approval granted to applicants predecessor in title in June 2006, permitting the expansion of the use for the sale of prepared foods, mandated that public bathrooms be maintained; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the applicant, Wainwright Amusements, LLC for

Preliminary and Final Site Plan Approval together with variances to permit the use of the property for a family entertainment use, which is not permitted in the GC-General Commercial Zone; and for waivers from submitting complete site plan detail due to the property being fully developed at 702-716 Long Beach Boulevard, known and designated as Lot 9 Block 107 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 the proposed use may be conducted at this site, there is adequate parking; the use will be contained within the existing building; the area will be policed and secured; the hours of operation will be maintained not past 11:00PM; the site will provide year round entertainment to residents and guests; the lighting will be controlled not to interfere with any surrounding residential uses; and the proposed development will create additional commercial development within the commercial zone. The Board further finds that there has not been any reason to remove the requirement that applicant continue to provide public restrooms at the site. Approval by this Board is limited to zoning and planning only; this Board does not have any jurisdiction regarding licensing for the proposed use at the site, and approval is subject to applicants obtaining all licensing as may be required for the proposed operation.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the application of Wainwright Amusements, LLC for Preliminary and Final Site Plan Approval together with variances to permit the use of the property for a family entertainment use, which is not permitted in the GC-General Commercial Zone; and for waivers from submitting complete site plan detail due to the property being fully developed at 702-716 Long Beach Boulevard, known and designated as Lot 9 Block 107 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 March 13, 2019, as entered into evidence as Exhibit B-1; and applicant complying with all other technical revisions as may be required by the Board engineer.

BE IT FURTHER RESOLVED that this approval is for variance relief to permit the following family entertainment uses: game zone for arcade games, ball shoots, skee ball, electronic games and gift redemption, escape room, chaos room, café, and XD Theater; as set forth in testimony of applicant and A-3. This approval is subject to and conditioned upon applicant obtaining any and all licenses and approvals for the use and development from the Borough of Ship Bottom and State of New Jersey, and such other authorities having jurisdiction over the development and the use. This Board does not have jurisdiction under Title 5 of the Ordinances of the Borough of Ship Bottom.

BE IT FURTHER RESOLVED that that this approval is granted subject to applicants maintaining hours of operation not past 11:00 PM or before 10:00 AM; no expansion of the footprint of the building; the trash being relocated to 8th Street as directed by the Board Engineer; applicant policing the exterior grounds and providing adequate security at the site; no blinking or moving lights, all lighting to be directed away from the surrounding residential uses; and removal of any offensive lighting, as requested by the Board Engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all Requirements and Recommendations of the Ship Bottom Volunteer Fire Co. No. 1, Inc. dated March 3, 2019 entered into evidence as Exhibit B-2; said compliance shall be a condition precedent for the issuance of a Certificate of Occupancy.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated March 13, 2019, as entered into evidence as Exhibit B-1; and applicant complying with all other technical revisions as may be required by the Board engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant conforming to all ordinances pertaining to the use of the property and lighting, with all lighting being directed away for the adjoining residential uses, and in conformance with Borough Ordinances. All signage shall conform to Borough ordinances. Applicant shall also adhere to all Borough noise ordinances.

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, including but not limited to Ocean County Planning Board and approval from the Ship Bottom Water and Sewer Departments' and in accordance with the State of New Jersey Amusement Games Licensing Law, as amended and supplemented, and the rules and regulations promulgated by the Amusement Games Control Commissioner of the State of New Jersey.

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. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required, in amounts established by the Borough Engineer, and in such form as required by the Borough Solicitor.

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 Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations by applicant and its representatives as set forth herein and as placed on the record at the public hearings conducted on March 20, 2019 and April 17, 2019 when this matter was considered.

BE IT FURTHER RESOLVED that applicant will repair/replace and install curbs, and sidewalks in accordance with Borough Ordinances and as directed by the Borough Engineer; Applicant will also replace and/or repair the water and sewer lines and laterals along the frontage of the property; as may be required by the Water and Sewer Department and Board Engineer. Applicant shall provide a note to this effect upon its plans.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant providing public restrooms for use of the general public and visitors to Ship Bottom. Applicant will provide adequate signage to notify the public of the existence of these facilities; as mandated under Resolution of Memorialization 2006-05(A) SP/V.

-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 May 15, 2019.

Motion: Hay

Second: Basile

Roll Call: Basile, Bishop, Hay and Chairman Cooper aye.



SARA GRESKO, SECRETARY

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF Ocean

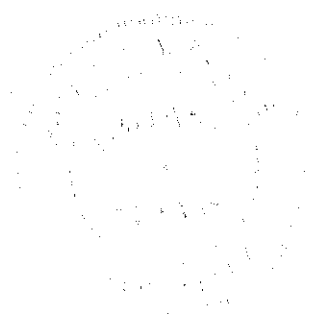
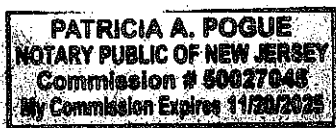
702 Park Property, LLC, of full age, being duly sworn according to law, on oath deposes and say that it owns 702-716 Long Beach Blvd. in the Municipality of Ship Bottom in the County of Ocean, and State of New Jersey that they are the owner in fee of all that certain lot, tract, or parcel of land, situated, lying and being in the Borough of Ship Bottom, Ocean County, New Jersey, and known and designated at Lot 9, Block 107, and that they hereby authorize and appoint James S. Raban as their attorney in fact to make the within application on their behalf to the Land Use Review Board of the Borough of Ship Bottom, Ocean County, New Jersey.

Sworn and subscribed before me
this 26 day of Sept 2023.

702 Park Property, LLC

Patricia A. Pogue
Notary Public

Brian Wainwright
Brian Wainwright, Member



PUBLIC NOTICE

BOROUGH OF SHIP BOTTOM

Public notice is hereby given that Wainwright Amusements LLC (the “Applicant”) has applied to the Land Use Review Board of the Borough of Ship Bottom, Ocean County, New Jersey for amended preliminary and final site plan approval and variances relative to proposed development at the property designated as Lot 9 in Block 107 on the Tax Map of the Borough of Ship Bottom, located at 702-716 Long Beach Boulevard. The Applicant previously received approval to renovate the existing commercial structure on the property and to convert the use of the property to a family entertainment center. The proposed activities/uses at the site include a game zone, escape room, café, and XD theater. The Applicant is proposing to construct a 3,775 square-foot second-story addition on the existing building, which will be used for storage related to the family entertainment use. The following variances from the Ship Bottom Zoning Ordinance are requested:

1. Section 16.48.010(A) of the Zoning Ordinance: The proposed family entertainment use is not a permitted use in the General Commercial Zone. The Applicant is proposing a second-story addition over a portion of the existing structure, which will be utilized for storage related to the family entertainment use on the first floor. Therefore, the expansion constitutes an expansion of a nonconforming use, which requires a special reasons variance.
2. Section 16.48.010(D) of the Zoning Ordinance: The maximum permitted lot coverage is 80%. The existing and proposed lot coverage is 86.3%, which is a preexisting nonconforming condition that is not changing.

3. Section 16.48.010(F)(1) of the Zoning Ordinance: There are 53 off-street parking spaces required at the site. There are 38 existing off-street parking spaces; 42 off-street parking spaces are proposed.

Any other variances, waivers or exceptions deemed necessary or appropriate by the Board will be requested at the public hearing.

A public hearing has been scheduled for November 15, 2023 at 7:00 p.m. in the Court Room of the Municipal Building, located 1621 Long Beach Boulevard, Ship Bottom, New Jersey. The Court Room will be set up following all social distancing guidelines, in adherence with the Governor's adopted Executive Order.

The meeting format will be posted on the Borough's website and may change the day of the meeting. Interested parties are encouraged to check the website to confirm the meeting format. Subject can change at any time prior to the actual meeting date.

If a meeting is in-person there will not be a virtual means to attend, anyone wanting to participate will have to attend the meeting in person.

Should government-imposed restrictions change prior to the meeting that would prevent an in-person meeting, this meeting will proceed virtually under the following circumstances:

Join Zoom Meeting

<https://zoom.us/j/97260536124?pwd=dmJ6MTVVLKzhrC0pBcVJXcitpaWFKdz09>

Meeting ID: 972 6053 6124, **Passcode:** 087822

One tap mobile: +13017158592,,97260536124#,,,,*087822# US (Washington D.C)

+13126266799,,97260536124#,,,,*087822# US (Chicago) **Dial by your location:**

+1 301 715 8592 US (Washington D.C) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 9128 US (San Jose)

Meeting ID: 972 6053 6124 **Passcode:** 087822 Find your local number:

<https://zoom.us/j/97260536124?pwd=dmJ6MTVVLKzhrC0pBcVJXcitpaWFKdz09>

The Meeting Agenda and all documents pertaining to the applications and all other matters to be considered are available for public inspection on the Borough of Ship Bottom Land Use Review Board website or during business hours of the Borough Hall at 1621 Long Beach

Boulevard. If there are any questions, comments or concerns, please call the Land Use Review Board Secretary, Sara Dela Cruz at (609)-494-2171 Ext. 122.

File # 3605

James S. Raban,
Attorney for Applicant