

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▲

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December 27, 2023

Via Hand Delivery & Email Sdelacruz@shipbottom.org

Sara Dela Cruz, Secretary

Ship Bottom Land Use Review Board

1621 Long Beach Boulevard

Ship Bottom, NJ 08008

Re: Nichols Special Reasons Variance and Bulk Variance
2702 Long Beach Blvd., Ship Bottom, NJ 08008
Block 20, Lot 13

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 floor plans prepared by Musgnug and Associates;
- (x) 18 copies of 3 renderings of the proposed home, prepared by Musgnug and Associates;
- (x) 18 copies of variance plans prepared by East Coast Engineering, Inc.
- (x) 18 copies of survey map with topography prepared by East Coast Engineering, Inc.
- (x) Affidavit of Ownership;
- (x) W-9;
- (x) Public Notice;
- (x) Check No.: 3218 Amount \$1,125.00 Administrative Fee;
- (x) Check No. 3219 Amount \$2,750.00 Escrow Account Deposit;
- (x) Please consent and/or approve for public hearing on January 17, 2024 at 7:00 p.m.

Sara Dela Cruz, Secretary
December 27, 2023
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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

Enc.

Cc: Nick and Alexis Nichols(via email)
Robert Musgnug (via email)
Jason Marciano (via email)
Frank Little Jr., P.E., P.P. (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 : 2702 Long Beach Boulevard

Tax Map: Page 2 Block 20 Lot 13

Dimensions: Width: 40 ft. Depth: 79.72 ft. Total Area: 2,415.90 sq. ft.

Zoning District: SC Shore Commercial District

2. APPLICANT

Name: Nick Nichols and Alexis Nichols

Address: 52 Mitzie Lane, Manahawkin, NJ 08050

Telephone Number: Home: 908-216-4453 Local:

Work: Fax:

Applicant is a Corporation Partnership Individual X

Other:

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: N/A Interest:

Address:

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: Same as Applicant

Address:

Telephone Number: 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 by-laws, or other dedication existing or proposed on the property:

Yes (attach copies) No

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: N/A

Proposed for: New Structure Expanded Area Alteration

Expansion of Structure Change of Use Sign

Other (please specify)

Has this property been the subject of any prior application (s) to the Planning Board or Zoning Board of Adjustment? Yes No 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 ; A State Road: Yes No
within 200 feet of a municipal boundary: Yes No

Present use of the premises: single-family dwelling

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: East Coast Engineering, Inc.

Address: 508 Main Street, Toms River, NJ 08753

Telephone Number: 732-244-3030 Fax Number: 732-244-3044

8. Applicant's Planning Consultant: Same as Engineer

Address:

Telephone Number: Fax Number

9. Applicant's Architect: Musgnug & Associates Architects

Address: 1907 Bayview Ave., P.O. Box 902, Barnegat Light, NJ 08006

Telephone Number: 609-361-3456 Fax: 609-361-3488

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: N/A

- 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: N/A

- 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
 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]
- X 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 (SPECIAL REASONS) [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 16.44.010(A) – The proposed single-family residential use is not a permitted use in the SC Shore Commercial District. A special reasons variance is requested.

Section 16.44.010(D) – The minimum required lot area is 4,800 square feet. The existing and proposed lot area is 2,415.90 square feet. This is an existing nonconformity which is not changing.

Section 16.44.010(D) – The minimum required lot width is 60 feet. The existing and proposed lot width is 30 feet. This is an existing nonconformity which is not changing.

Section 16.44.010(D) – The minimum required lot depth is 80 feet. The existing and proposed lot depth is 79.72 feet. This is an existing nonconformity which is not changing.

Section 16.44.010(D) – The minimum required front yard setback to Long Beach Blvd. and 27th St. is 15 feet. The existing front yard setback to 27th St. is 4.2 feet; 7.33 feet is proposed.

Section 16.36.010 (D) – Every corner lot shall have two front yards, one side yard, and one rear yard. The side yard on corner lots is required to have a minimum setback of 10 feet. The existing side yard setback, which is the southerly setback, is 4.1 feet; 3 feet is proposed.

Section 16.36.010 (D) – The maximum permitted height in the SC Shore Commercial Zone is 35 feet. In all residential zoning districts in the Borough of Ship Bottom, on lots with a width of less than 40 feet, no building shall be erected consisting of more than one habitable story or exceeding 24 feet in height. The Applicant is proposing to construct a two-story single-family dwelling with a height of 32 feet. The Applicant requests a special reasons variance, to the extent required, for the height and number of stories of the proposed dwelling.

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

The Applicant reserves the right to request any waivers at the hearing that the Board may deem appropriate.

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.

*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.

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)

The Applicant is seeking to demolish the existing single-family home at the site and construct a new single-family dwelling.

16. Is a public Water Line available? Yes

17. Is public Sanitary Sewer available? Yes

18. Does the application propose any lighting ? Normal residential lighting
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)

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.

Quantity Description of Item

- 18 copies of Land Use Development Application
- 18 copies of Variance Plan prepared by East Coast Engineering, Inc.
- 18 copies of Floor Plans and Elevations Musgnug & Associates Architects

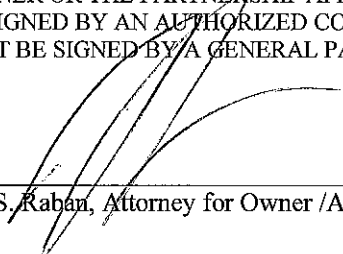
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

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.

DATE

12/22/23

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

PUBLIC NOTICE

BOROUGH OF SHIP BOTTOM

Public notice is hereby given that Nick Nichols and Alexis Nichols (collectively, the “Applicant”) have applied to the Land Use Review Board of the Borough of Ship Bottom, Ocean County, New Jersey for variances relative to development on the property designated as Lot 13 in Block 20 on the Tax Map of the Borough of Ship Bottom, located at 2702 Long Beach Boulevard. The Applicant is seeking to demolish the existing single-family home and construct a new single-family dwelling. The following variances from the Ship Bottom Zoning Ordinance are requested:

1. Section 16.44.010(A) – The proposed single-family residential use is not a permitted use in the SC Shore Commercial District. A special reasons variance is requested.
2. Section 16.44.010(D) – The minimum required lot area is 4,800 square feet. The existing and proposed lot area is 2,415.90 square feet. This is an existing nonconformity which is not changing.
3. Section 16.44.010(D) – The minimum required lot width is 60 feet. The existing and proposed lot width is 30 feet. This is an existing nonconformity which is not changing.
4. Section 16.44.010(D) – The minimum required lot depth is 80 feet. The existing and proposed lot depth is 79.72 feet. This is an existing nonconformity which is not changing.
5. Section 16.44.010(D) – The minimum required front yard setback to Long Beach Blvd. and 27th St. is 15 feet. The existing front yard setback to 27th St. is 4.2 feet; 7.33 feet is proposed.

6. Section 16.36.010 (D) -- Every corner lot shall have two front yards, one side yard, and one rear yard. The side yard on corner lots is required to have a minimum setback of 10 feet. The existing side yard setback, which is the southerly setback, is 4.1 feet; 3 feet is proposed.
7. Section 16.36.010 (D) -- The maximum permitted height in the SC Shore Commercial Zone is 35 feet. In all residential zoning districts in the Borough of Ship Bottom, on lots with a width of less than 40 feet, no building shall be erected consisting of more than one habitable story or exceeding 24 feet in height. The Applicant is proposing to construct a two-story single-family dwelling with a height of 32 feet. The Applicant requests a special reasons variance, to the extent required, for the height and number of stories of the proposed dwelling.

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 January 17, 2024 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=dmJ6MTVLKzhrc0pBcVJXcitpaWFKdz09>

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=dmJ6MTVLKzhrc0pBcVJXcitpaWFKdz09>

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 # 3592

James S. Raban,
Attorney for Applicant

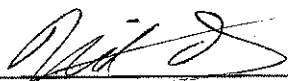
AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

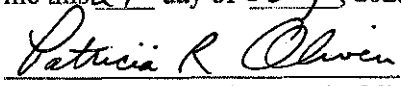
COUNTY OF _____

Nick Nichols and Alexis Mary Nichols, of full age, being duly sworn according to law, on oath deposes and says that they reside at 2702 Long Beach Blvd. in the Municipality of Ship Bottom in the County of Ocean, and State of New Jersey that they are the owners 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 13, Block 20 and that he or she hereby authorizes and appoints James S. Raban 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.



Nick Nichols

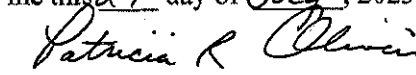
Sworn and subscribed before
me this 29 day of July, 2023



Notary Public

PATRICIA R OLIVERI
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 50192160
MY COMMISSION EXPIRES APR. 19, 2027

Sworn and subscribed before
me this 29 day of July, 2023



Notary Public

PATRICIA R OLIVERI
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 50192160
MY COMMISSION EXPIRES APR. 19, 2027



Alexis Mary Nichols