

RABAN & RABAN

— LLC —

Attorneys at Law

REGINALD J. RABAN (Retired)
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**11710 Long Beach Blvd.
Haven Beach, NJ 08008**

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June 10, 2024

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 Batista Bulk Variance
Block 50 Lot 1
300 W. 19th Street, Borough of Ship Bottom

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 Plot Plan with variance Plan prepared by Donna Bullock, P.E. of Morgan Engineering, LLC
- (x) 18 copies of Floor Plans prepared by Vin Minkler, AIA, of Vin Minkler Architecture & Design;
- (x) Affidavit of Ownership;
- (x) W-9;
- (x) Public Notice;
- (x) Check No. 3406 Amount \$500.00 Administrative Fee;
- (x) Check No.: 3407 Amount \$1,250.00 Escrow Account July 16, 2024, at 6:30 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,

JSR/dh

JAMES S. RABAN

Sara Dela Cruz, Secretary

June 10, 2024

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Encl.

cc: Mario and Lisa Batista (via email)
Mathew Wilder, P.E., P.P. (via email)
Erwin Bustamante, AIA (via email)
Vin Minkler, AIA (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 : 300 W. 19th Street
Tax Map: Page 11 Block 50 Lot 1
Dimensions: Width: 40 ft. Depth: 100.78 ft. Total Area: 4,033 sq. ft. (upland)

Zoning District: R-2 Single-Family Residential District

2. APPLICANT

Name: Mario Batista and Lisa Batista

Address: 10 Twinbrooks Court, Holmdel, NJ 07733

Telephone Number: Home: 908-917-4515 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) 978-1624

7. Applicant's Engineer/Surveyor: Morgan Engineering & Surveying

Address: P.O. Box 5232, Toms River, NJ 08754

Telephone Number: 732-270-9690 Fax Number: 732-270-9691

8. Applicant's Planning Consultant: Same as Engineer

Address:

Telephone Number: Fax Number

9. Applicant's Architect: Minkler Architecture & Design

Address: 54 Chapel Hill Road, Red Bank, NJ 07701

Telephone Number: 908-692-8412 Email: vinminkler@gmail.com

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)]

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 16.28.010 (D) – The minimum required front yard setback to W. 19th Street and Barnegat Avenue is 15 feet. The existing and proposed front yard setback to Barnegat Avenue is 5.1 feet. The existing and proposed front yard setback to W. 19th Street is 14.8 feet.

Section 16.08.020 – Under the definition of corner lot, 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 and proposed side yard setback, which is the westerly setback, is 4.5 feet.

Section 16.28.010 (D) – The maximum permitted building coverage is 35%. The existing and proposed building coverage is 43.1%.

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 property is currently developed with a single-family dwelling. The Applicant is seeking to construct a second-story addition and attic addition on the existing home. There is also a proposed partially roofed terrace above a portion of the proposed second-story addition. All of the proposed construction is within the footprint of the existing home.

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	Plot Plan prepared by Morgan Engineering & Surveying
18 copies of	Architectural Drawings prepared by Minkler Architecture & Design

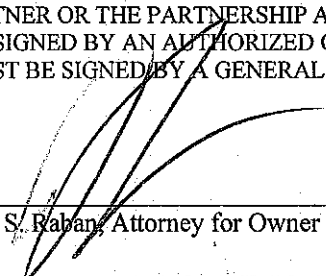
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

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)

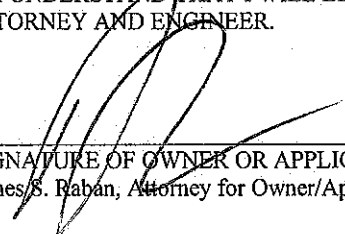


 James S. Raban, Attorney for Owner /Applicant

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

6/10/24



 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 Mario Batista and Lisa Batista (collectively, the “Applicant”) have applied to the Land Use Review Board of the Borough of Ship Bottom (the “Board”), Ocean County, New Jersey for bulk variances relative to proposed development on the property designated as Lot 1 in Block 50 on the Tax Map of the Borough of Ship Bottom, located at 300 W. 19th Street. The property is currently developed with a single-family dwelling. The Applicant is seeking to construct a second-story addition and attic addition on the existing home. There is also a proposed partially roofed terrace above a portion of the proposed second-story addition. All of the proposed construction is within the footprint of the existing home. The following variances from the Ship Bottom Zoning Ordinance are requested:

1. Section 16.28.010 (D) – The minimum required front yard setback to W. 19th Street and Barnegat Avenue is 15 feet. The existing and proposed front yard setback to Barnegat Avenue is 5.1 feet. The existing and proposed front yard setback to W. 19th Street is 14.8 feet.
2. Section 16.08.020 – Under the definition of corner lot, 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 and proposed side yard setback, which is the westerly setback, is 4.5 feet.
3. Section 16.28.010 (D) – The maximum permitted building coverage is 35%. The existing and proposed building coverage is 43.1%.

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 July 16, 2024 at 6:30 p.m. in the Court Room of the Municipal Building, located at 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.

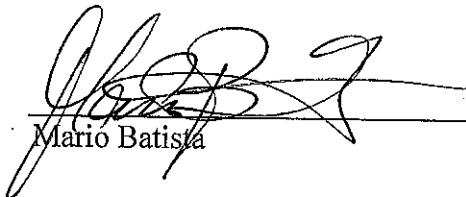
File # 3589

James S. Raban,
Attorney for Applicant

AFFIDAVIT OF OWNERSHIP


STATE OF NEW JERSEY :
: **SS**
COUNTY OF _____

Mario and Lisa Batista, of full age, being duly sworn according to law, on his or her oath deposes and says that he or she owns 300 W. 19th Street in the Borough of Ship Bottom in the County of Ocean and State of New Jersey, that he or she is the owner in fee of all that certain lot, tract, or piece or parcel of land situated, lying and being in the Borough of Ship Bottom aforesaid, and known and designated as Lot 1, Block 50 and that he or she hereby authorizes and appoints James Raban, Esq. to make the within application in his or her behalf and that the statements contained in said application are true.

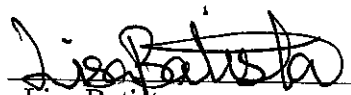


Mario Batista

Sworn and subscribed before
me this 7th day
of June, 2023




Notary Public



Lisa Batista

Sworn and subscribed before
me this 7th day
of June, 2023



Notary Public

DIANE WERNETT
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Oct 18, 2023