

RABAN & RABAN

— LLC —

Attorneys at Law

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**11710 Long Beach Blvd.
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September 16, 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: Laperra, LLC Minor Site Plan
Block 88 Lots 1.02 & 2
1101 Long Beach Blvd., Ship Bottom, NJ 08008

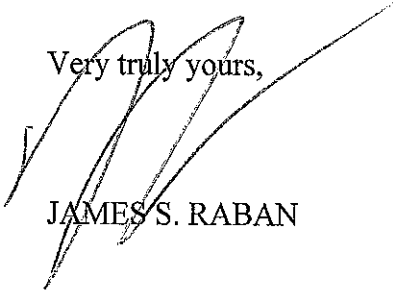
Dear Ms. Dela Cruz:

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

- (x) 18 copies of Land Use Development Application;
- (x) 18 copies of Minor Site Plan prepared by Bruce Jacobs of Gravatt Consulting Group;
- (x) Affidavit of Ownership;
- (x) W-9;
- (x) Public Notice;
- (x) Check No. 3473 Amount \$750.00 Administrative Fee;
- (x) Check No. 3474 Amount \$1,250.00 Escrow Account Deposit;
- (x) Please consent and/or approve for public hearing on October 15, 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,


JAMES S. RABAN

JSR/dh
Enc.

Sara Dela Cruz, Secretary

September 16, 2024

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Cc: Laperra, LLC (via email)
Bruce Jacobs (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 : 1101 Long Beach Boulevard
Tax Map Page 14 Block 88 Lot 1.02 & 2
Dimensions Frontage 80 feet Depth 137 feet Total Area 10,960 sq. ft.
Zoning District: SC -- Shore Commercial Zone

2. APPLICANT

Name Laperra LLC

Address 500 N. Elberon Ave., Atlantic City, NJ 08401

Telephone Number: 609-226-1421 Home: Local:

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

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 Marlon Moradel Lopez Interest 50%

Address 500 N. Elberon Ave., Atlantic City, NJ 08401

Name Erica Cruz Interest 50%

Address 500 N. Elberon Ave., Atlantic City, NJ 08401

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 Raymond Hughes and Lisa Hughes

Address 327 Cedar Ave., Lanoka Harbor, NJ 08734

Telephone Number: Home: 609-312-1077 Work: 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 X Alteration

Expansion of Structure 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

Attached are copies of the following resolutions:

- 1. Resolution dated July 20, 1994 granting site plan approval under Docket No. 94:09SP, permitting the applicant to add an additional 25 seats in the existing porch area, which resulted in a total of 75 seats for the restaurant.
2. Resolution dated June 18, 2003, granting minor subdivision approval, which reconfigured the lot line of the parking area adjacent to the restaurant.

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: Raimondo's Restaurant

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 Gravatt Consulting Group

Address 414 Lacey Road, Forked River, NJ 08731

Telephone Number: 609-693-6127

Fax Number 609-534-2850

8. Applicant's Planning Consultant: same as Engineer

Address

Telephone Number

Fax Number

9. Applicant's Architect: N/A

Address

Telephone Number

Fax Number

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)]

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 16.44.010(D): The minimum required front yard setback is 15 feet. The existing and proposed front yard setback to W. 11th Street is 4.9 feet, which is a preexisting nonconformity that is not changing. The existing and proposed front yard setback to Long Beach Boulevard is 9.9 feet, which is a preexisting nonconformity that is not changing.

Section 16.44.010(E)(2)(c): No sidewalk area shall be obstructed or utilized for any commercial purpose and no food shall be dispensed directly to any person standing or occupying prescribed sidewalk area. Moreover, if approved, any dispensing of food or other merchandise shall be done only to persons actually within the lot lines of the lot occupied by the vendor.

- Here, to the extent the proposed tables encroach into the right of way on the north side of the building, a variance is requested.

Section 16.44.010(E)(8): The minimum setback area shall include a planted buffer of five feet in width along any common property line with a residential district or use. The existing and proposed buffer consists only of fencing.

Section 16.44.010(F)(2): Restaurants, bars, night clubs and taverns shall provide one parking space for every four seats, but in all cases, a sufficient number of spaces to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles. With the 24 proposed outdoor seats, there are a total of 99 seats proposed. Based upon 99 seats, 25 parking spaces are required. There are currently 16 parking spaces at the site and 16 parking spaces are proposed. Please note that there is an error in Note 14 of the site plan, which indicates that 30 parking spaces are required.

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

The Applicant reserves the right to request any waivers that may be required by the Board at the hearing.

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 subject property is currently developed with Raimondo's Restaurant and a parking lot. In 1994, the restaurant was approved for 25 additional seats in the porch area, bringing the total number of seats for the restaurant to 75 seats. The Applicant is now seeking to add 24 outdoor seats on the east side and north side of the building, for a total of 99 seats. The restaurant serves dinner only and typically opens at 4:00 p.m., with the final seating occurring between 9:30 p.m. and 10:00 p.m. in the summer months. During the busiest times of the summer, the restaurant has a maximum of 20 employees.

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 proposed
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 Minor Site Plan prepared by Gravatt Consulting Group

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.

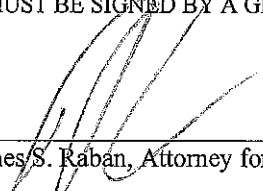
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

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> </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)

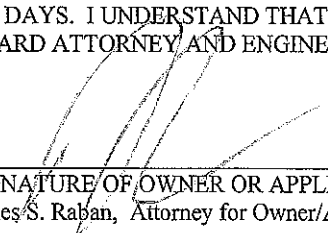


 James S. Raban, Attorney for Owner /Applicant

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:

9/16/24



 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

COPY

#2539

RESOLUTION OF MEMORIALIZATION OF THE
LAND USE REVIEW BOARD OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NUMBER: 03-09 SD

WHEREAS, Raymond Hughes and Lisa Hughes, his wife, have made Application to the Land Use Review Board of the Borough of Ship Bottom for preliminary and final minor subdivision approval to subdivide premises known and designated as Lots 1, 9 and 6.01, Block 88, located at the Northwest corner of 12th Street and Long Beach Boulevard, in the Borough of Ship Bottom, County of Ocean and State of New Jersey into two (2) lots, effectively creating an existing dirt parking lot currently existing on Lot 1 into a new lot to be known and designated as New Lot 1.02; and

WHEREAS, the Land Use Review Board considered this Application at a public hearing held on May 21, 2003, at which time the Applicant was represented by Reginald J. Raban, Esq. The Application, dated April 17, 2003, was entered into evidence as Exhibit A-1; the plan of Horn, Tyson & Yoder, Inc., entitled "Minor Subdivision, Lots 1, 9 & 6.01, Block 88, Tax Map Sheet #14, Borough of Ship Bottom, Ocean County, New Jersey", dated December 30, 2002, under signature and seal of Robert G. de Blois, a Professional Licensed Surveyor, was entered into evidence as Exhibit A-2. The review letter submitted by Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., P.E., P.P., C.M.E., dated May 16, 2003, was entered into evidence as Exhibit B-1. Testimony was offered by James Brzozowski, Professional Engineer, who was qualified and testified on behalf of the Applicants. Mr. Brzozowski is

a licensed professional engineer in the State of New Jersey, associated with the firm of Horn, Tyson & Yoder, Inc. Testimony was also offered by one of the Applicants, Raymond Hughes. Public comment was given by George Sansverie, who resides at 1015 Barnegat Avenue, Ship Bottom, New Jersey; and

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

1. All jurisdictional requirements have been met.
2. The property is owned by Charles J. Riggs and Virginia Riggs and consists of an irregularly shaped lot located on the Northwest corner of 12th Street and Long Beach Boulevard, with dimensions of 200 feet on 12th Street by 128 feet on Long Beach Boulevard. The property is currently improved with a two story funeral home and a black topped parking area, all as set forth on the plans of Horn, Tyson & Yoder, Inc., entered into evidence as Exhibit A-2. A portion of existing Lot 1 represented on the plan as a dirt parking lot is currently under lease to Applicants and was previously approved by the Planning Board to be used as a parking area in conjunction with Applicants' property the adjacent restaurant located at Lot 2, Block 88, which parcel is located on the Southwest corner of 11th Street and Long Beach Boulevard. The Applicants

currently are contract purchasers of a portion of the subject property and the owners have authorized this Application whereupon New Lot 1.02, as proposed, will consist of a lot with dimensions of 65 x 80 feet and will encompass the existing dirt parking lot currently being utilized by Applicants. The remaining parcel will be designated as New Lot 1.01 and will continue to be used as a two story funeral home and associated parking area.

3. The property is located in the SC-Shore Commercial Zone and the proposed lots will each comply with bulk requirements of the Zoning Ordinance.

4. The Planning Board of the Borough of Ship Bottom approved that area included in New Lot 1.02 as a parking lot under Docket No. 94.09 SP, whereupon certain development was authorized and permitted at the restaurant located at Lot 2, Block 88, conditioned upon the continued utilization of that portion of Lot 1 now being subdivided as New Lot 1.02, as a designated parking area. The Board adopts as if fully contained herein, Resolution of the Planning Board of the Borough of Ship Bottom, County of Ocean and State of New Jersey pertaining to Docket No. 94.09 SP, adopted July 20, 1994.

5. The Board adopts by reference as if more fully set forth herein at length the May 16, 2003 letter of Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., P.E., P.P., C.M.E. entered into evidence as Exhibit B-1.

6. The Applicant offered testimony that they will comply with all terms and conditions of the letter of Owen, Little & Associates, Inc., dated May 16, 2003, as entered into evidence as Exhibit B-1. The Applicant further indicated that a curb cut currently exists on Long Beach Boulevard, which is not depicted on the plans of Horn, Tyson & Yoder, Inc. and will arrange to have revised plans submitted.

7. The Applicants acknowledge that they are bound to all terms and conditions of the prior Resolution of the Planning Board under Docket Number 94-09 SP, adopted July 20, 1994, and will continue to abide by those terms and conditions. It is the Applicants' intention to purchase the New Lot 1.02 from the current owners once this subdivision has been completed; and

WHEREAS, the Land Use Review Board of the Borough of Ship Bottom has determined that the relief requested by the Applicants, Raymond Hughes and Lisa Hughes, his wife, for preliminary and final minor subdivision approval to create two (2) new lots designated as New Lot 1.01 and New Lot 1.02, at premises known and designated as Lots 1, 9 and 6.01, Block 88, on the Official Tax Map of the Borough of Ship Bottom, said property being currently owned by Charles J. Riggs and Virginia Riggs, 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 both properties will conform to the Zoning requirements of the SC-Shore Commercial Zone where these premises are located.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Ship Bottom that the Application of Raymond Hughes and Lisa Hughes, his wife for preliminary and final minor subdivision approval to permit the subdivision of property known and designated as Lots 1, 9 and 6.01, Block 88, located at the Northwest corner of 12th Street and Long Beach Boulevard, in the Borough of Ship Bottom, Ocean County, New Jersey, owned by Charles J. Riggs and Virginia Riggs, creating two (2) new lots, New Lot 1.01 to contain the existing two story funeral home and related parking and New Lot 1.02 to consist of a 65 x 80 foot gravel covered parking lot, in accordance with plans of Horn, Tyson & Yoder, Inc., dated December 30, 2002, and entered into evidence as Exhibit A-2, to be revised to designate the existing curb cut on Long Beach Boulevard and any additional site conditions that exist, be, and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon the Applicants providing revised plans setting forth the existing curb cut on Long Beach Boulevard and any and all other conditions that exist at the site and said plans being approved by the Board Engineer.

~~BE IT FURTHER RESOLVED that this approval is subject~~

to and conditioned upon Applicants' repairing and/or replacing any portion of the existing sidewalk and curbing located on 12th Street and on Long Beach Boulevard, in deteriorated condition or below current design as directed by the Board Engineer.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants setting monuments in accordance with the New Jersey Map Filing Law.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' obtaining verification of the proposed lot numbers from the Tax Assessor's Office of the Borough of Ship Bottom.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant obtaining any and all outside agency approvals from those agencies having jurisdiction of this development including, but not limited to, Ocean County Planning Board approval.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' payment of all taxes and other applicable assessments, as well as payment of all fees and escrow fees as may be required. This approval is further subject to and conditioned upon Applicants' compliance with the Ordinances of the Borough of Ship Bottom, as applicable with respect to bonding, guarantees, inspection costs and payment of such fees as may be related thereto, including

escrow fees, performance and maintenance bonds and inspection fees as to this Application as may be required by the Board Engineer/Planner and/or Construction Official and/or Secretary of the Board and/or Clerk of the Borough. Any guarantees shall be subject to the written review and approval of the Board Engineer/Planner, the Borough Solicitor's office and the Mayor and Council, as may be required; and

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' strict compliance with all technical revisions and/or additions as set forth in the review letter of Owen, Little & Associates, Inc., dated May 16, 2003, as entered into evidence as Exhibit B-1 and as may further be required by the Borough Engineer.

BE IT FURTHER RESOLVED the Applicants are required to comply with any and all ordinances of the Borough of Ship Bottom and the failure to require same herein shall not be deemed a waiver or recommendation by the Land Use Review Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that the Applicants, their successors and assigns shall comply with all performance, standards and requirements of the Borough of Ship Bottom with respect to prohibited uses, compliance with environmental and other related Public Safety Laws as may be required by the State of New Jersey, the Borough of Ship Bottom and any other public entity.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' strict compliance with the Resolution of Memorialization of the Planning Board of Ship Bottom, County of Ocean and State of New Jersey, under Docket Number 94:09 SP, as adopted by the Planning Board of Ship Bottom on July 20, 1994 and all conditions contained therein shall continue to be complied with. All terms and conditions of that Resolution are adopted by reference as if herein more fully set forth at length.

BE IT FURTHER RESOLVED that the Applicants shall comply with all conditions of the New Jersey Map Filing Law as relating to the execution and filing of the final approved Subdivision Map.

BE IT FURTHER RESOLVED that prior to the signature of the Subdivision Map, the Board Engineer/Planner shall indicate approval in writing as to the form and content as to any revisions of the plans as required by this Resolution and/or the Board Engineer/Planner and/or other Borough officials. It is incumbent upon the Land Use Review Board Secretary to forward copies of this Resolution to the Board Engineer/Planner and Superintendent of the Water and Sewer Department for use and review of any plan revision submitted to said Board Engineer/Planner.

BE IT FURTHER RESOLVED that with respect to Applicants' relief herein granted, same is subject to the

recording of a Deed by the Applicants with the Ocean County Clerk, with a copy of this Resolution attached and made a part thereof following a review and written approval as to the form by the Board Engineer/Planner and Board Attorney. Subsequent to recording the Deed, Applicants shall file certified copies of same as recorded by the Clerk of the County of Ocean with the Land Use Review Board Secretary, the Borough Clerk, Construction Official, Tax Assessor and the Superintendent of Public Works.


LILLIAN LORMAN, Secretary

Adopted: June 18, 2003

Moved By: Mr. Butkus

Seconded By: Mr. Covert

Roll Call Vote: Mayor Huelsenbeck, Councilman English, Covert, Dunn,
Butkus and Moritz, Aye

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

I, LILLIAN LORMAN, Secretary of the Land Use Review Board of the Borough of Ship Bottom, County of Ocean, State of New Jersey, do hereby 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 18, 2003.


LILLIAN LORMAN, Secretary

RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN AND STATE OF NEW JERSEY

WHEREAS, the Planning Board of the Borough of Ship Bottom (Land Use Review Board pursuant to N.J.S. 40:55D-25c and the Land Development Ordinances of the Borough of Ship Bottom), County of Ocean and State of New Jersey, has before it an application for preliminary and final minor site plan approval on behalf of Raymond and Lisa Hughes (Raimondos Restaurant) (Docket No. 94:09SP), Block 88, P/O Lot 1 and 12, Long Beach Boulevard and 11th Street in the SC-Shore Commercial Zone, wherein the applicant proposes to provide an additional twenty-five (25) seats in the existing porch area of the restaurant thereby increasing seating capacity from present fifty (50) seats to seventy ^{FIVE} (75) seats and in addition, the applicant proposing to provide sixteen (16) parking spaces in the existing gravel lot which is part of Lot 1 south of the restaurant, together with an application for variances for pre-existing front setback wherein 10 feet is required and 4.66 feet exists together with request for a waiver for the new and existing parking lots per Ordinance Section 508B1 where a paved surface is required pursuant to plans prepared by Leon J. Tyszka, P.L.S. and Bruce B. Lomell, P.E., dated 3/28/94, and the applicant proposing an existing gravel surface and the applicant being represented by Attorney Stuart B. Snyder, and

WHEREAS, the Board has jurisdiction as a result of the applicable Ordinances of the Borough of Ship Bottom adopted pursuant to the Municipal Land Use Law, Chapter 291, Laws of 1975 as amended and supplemented and the applicant having given notice pursuant to same, and

WHEREAS, the Board considered the matter at a public meeting and Hearing on June 15, 1994, and the testimony and evidence with respect to the application by the applicant and their Engineer/Planner which testimony indicated the applicant is proposing to add an additional 25 seats in the existing porch area of the restaurant to have a total capacity of 75 seats, that the applicant is under a Lease Agreement to lease an area 88' x 80' next to the existing restaurant to provide for 16 parking spaces and the applicant also testifying with regards to the existing 3 parking spaces at the rear of the building, the proposed traffic circulation plan for the parking lot as well as testimony with regards to a request for waiver of the paved surface

requirement with regards to the leased parking area and the Board having considered the testimony of its Engineer/Planner and his Report dated June 7, 1994, and there being extensive discussions with regards to alternative one-way traffic circulation plans and the Board noting that the applicant should meet with the Board Engineer/Planner to develop the appropriate one-way traffic circulation plan which in the opinion of the Board Engineer will require removal of approximately 3 parking spaces as well as discussions with regards to lighting, curbing and sidewalk on Eleventh (11th), deliveries and maintenance of existing or deteriorated curbing and sidewalk and the applicant having amended its application at the Hearing to now ask for a variance for parking by virtue of a requested change in the traffic circulation flow and design and the applicant having agreed to amend the site plan for this site to make certain revisions with regards to one-way traffic circulation and lighting subject to the review and approval of the Board Engineer/Planner and the Board having considered comments during the Hearings including those of its members and the public.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Ship Bottom, County of Ocean and State of New Jersey, does hereby grant preliminary and final minor site plan approval as applied for by the applicant for an additional twenty-five (25) seats in the existing porch area for a total of seventy-five (75) seats and upon compliance with the following conditions made a continuing part of this approval, the Chairman and Secretary shall be authorized to sign the revised and amended site plan and only upon the signature of the amended site plan by the appropriate officials shall the Building Department and/or Construction Official and/or Subcode Fire Official be authorized to issue any applicable Permits with respect to this site and approval herein:

1. Payment of taxes and other applicable assessments to date as well as payment of all fees and costs and escrow fees to the Borough.
2. Ocean County Planning Board approval or receipt of communication indicating no interest in the subject application or passage of the appropriate time period pursuant to law provided notice is given to the Ocean County Planning Board.

3. Any review as required by the Ocean County Board of Health and as may be deemed necessary by the Secretary of the Planning Board as well as review and approval of the Subcode Fire Official and the Office of the Bureau of Fire Prevention of the Borough of Ship Bottom with the jurisdiction concerning enforcement of regulations by those entities to be their sole responsibility. Copies of the cover letters submitting said plans and revisions and applications to said entities shall be filed with the Secretary of the Ship Bottom Planning Board.

4. The applicant having the responsibility for acquiring any approvals and making appropriate submissions to New Jersey DOT and New Jersey DEPE and/or other public entities as applicable and appropriate with copies of the cover letters filing such application and site plans and revisions thereto to be filed with the Planning Board Secretary.

5. The applicant shall comply with the Ordinances of the Borough of Ship Bottom with respect to posting of bonds, guaranties, inspection costs and payment of such fees (including escrows) as may be related thereto and to this application and Resolution and as may be required by the Board Engineer and/or Construction Official and/or Secretary of the Planning Board (Land Use Board) and the Clerk of the Borough and Mayor and Council. Any guaranty required shall be in a form required by the Board Engineer and the Borough Attorney's office and the Mayor and Council.

6. The applicant and his heirs, successors and assigns shall comply with all performance standards and requirements of the Land Development Ordinances of the Borough of Ship Bottom with respect to prohibited uses and compliance with the laws and regulations of the State, County and Borough.

7. The applicant shall make revisions to the site plan as required by the Board Engineer/Planner per his June 7, 1994, Report and shall provide a revised plan showing lighting concerning the proposed leased parking lot to meet with the review and approval of the Board Engineer/Planner as well as a revision to the site plan to show the appropriate one-way traffic circulation flow and design plan to meet with the express written approval of the Board Engineer/Planner as well as the applicant providing all appropriate curb and sidewalk as set forth in the June 7, 1994, Planner's Report which is attached

hereto including curbing along Eleventh (11th) Street as well as repairing any damaged and/or deteriorated existing curb and sidewalk as testified to on the record with all said revisions to be submitted in proper form for review and approval of the Board Engineer/Planner.

8. It shall be an expressed condition of this approval that the applicant supply proof each year prior to the issuance of a mercantile license that the parking lease is in effect.

9. It shall be an expressed condition of this approval that prior to the Maps being signed and the Certificate of Occupancy being issued, the applicant must deliver a copy of the effective parking lease to the Planning Board Secretary.

BE IT FURTHER RESOLVED that based upon the proofs and action hereinbefore set forth, the Board does hereby grant a waiver as to the Ordinance requirements concerning a paved surface for the proposed parking lot area as they are satisfied based upon the proofs that the existing gravel surface provided will be appropriate in the circumstances of this case and will allow for greater drainage and further the Board is satisfied based upon the proofs that the applicant is entitled to a variance for parking which variance is necessitated by the need for an appropriate one-way traffic circulation flow and design and therefore the waiver as to the requirement for paved parking lot and a variance for parking be and the same herein is granted as the Board has found based upon the proofs and testimony before it that the applicant has shown appropriate relief pursuant to c(1) and c(2) relief and the applicant has shown appropriate proofs for the positive and negative criteria and the Board is satisfied that the variance and waiver can be granted without impairing the intent and purposes of the Zoning Plan and Zoning Ordinances.

BE IT FURTHER RESOLVED that in the event any questions arise concerning ingress and egress and/or drainage and/or water and sewer involving this application and/or other public entities in the State of New Jersey that the Board Engineer is hereby authorized with the Planning Board Secretary to review any changes as may be necessary and to approve or deny same and to meet with the applicant and any of the aforementioned public entities and/or others concerning same and only in the event the Board Engineer and Director of Zoning and Planning and Planning Board Secretary

consider the changes so substantial as to require additional Board review of the application and/or the applicant shall make a request for additional review shall the matter be returned to the Board for any further action relating to same.

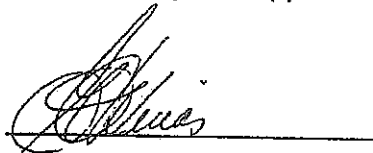
BE IT FURTHER RESOLVED that as this application for development proceeds, the Construction Official and the Secretary of the Planning Board (Director of Zoning and Planning) of the Borough of Ship Bottom may, upon the request of the applicant and with the written advice of the Board Engineer, grant such changes as may be necessary with respect to this preliminary and final conditionally approved minor site plan herein and the relief sought that are not substantial and the Board does hereby authorize said officials with the written advice of the Board Engineer to take such steps as are appropriate to protect the integrity of the existing use on the site and the minor site plan approval herein as to this site and to insure compliance with the conditions and Ordinances. Any substantial deviations in the opinion of the Board Engineer and Construction Official and Planning Board Secretary shall require a revised application and site plan to be submitted to this Board for its review and action. With respect to any non-substantial and/or minor changes permitted, same shall be placed upon a revised plan signed and dated by the applicant and the applicant's Engineer and/or Architect as well as the Board Engineer, Construction Official and Planning Board Secretary indicating the date of the revisions and the minor and non-substantial changes made with copies of same filed with the Construction Official and the Planning Board Secretary as well as the Borough Water and Sewer Department. Any non-substantial or minor revisions pursuant to this procedure shall be understood not to extend any applicable time limits that may exist according to law.

BE IT FURTHER RESOLVED that pursuant to the request of the Soil Conservation District, it is hereby requested that, if applicable, the Construction Official not issue any Building Permit until there has been acquired a Soil Erosion and Sedimentation Control approval and/or permit and/or waiver with respect to same and in the case of a Certificate of Occupancy until there has been acquired a compliance report from the Soil Conservation District indicating compliance with any and all conditions of any

subject to the terms of a Deed as to the relief herein stated the applicant. P. 6
Therefore, this Resolution be and the same shall be recorded with a confirming Deed with the Clerk of the County of Ocean after review and approval by the Board Engineer/Planner and Borough Attorney with a copy to the Planning Board Attorney; with a subsequent certified recorded copy of same being filed with the Planning Board of the Borough of Ship Bottom, the Borough Clerk and the Construction Official.

BE IT FURTHER RESOLVED that prior to the signature of the final revised minor site plan herein conditionally approved and any revisions to same as well as to the confirming Deed subsequent to the June 15, 1994, meeting, the Board Engineer shall have indicated his approval in writing to the Planning Board Secretary as to the form and content of the most recently revised site plan and confirming Deed in conformance with the conditions herein set forth and as required by the Planning Board Secretary and the Board Engineer/Planner.

BE IT FURTHER RESOLVED that in the event the conditions set forth in this conditional preliminary and final minor site plan approval and the relief related thereto are not met by July 1, 1995, with the final revised and amended plan having been executed by that date that this application shall be listed on the Planning Board Agenda for the meeting of the following month for dismissal without prejudice unless the applicant offers appropriate reasons for the delay all of which may be considered in the discretion of the Board. Further, it shall be understood that this administrative extension is not a representation or guaranty by the Board as existing State law and/or regulations have and/or may change and affect time limits and the Board advises that it is the applicant's legal obligation to comply with applicable law.



Adopted: July 20, 1994
Moved By: Mr. Field
Seconded By: Mr. Lakefield

PUBLIC NOTICE

BOROUGH OF SHIP BOTTOM

Public notice is hereby given that Laperra LLC (the "Applicant") has applied to the Land Use Review Board of the Borough of Ship Bottom (the "Board"), Ocean County, New Jersey for amended preliminary and final major site plan approval and bulk variances relative to proposed outdoor seating on the property designated as Lots 1.02 and 2 in Block 88 on the Tax Map of the Borough of Ship Bottom, located at 1101 Long Beach Boulevard. The subject property is currently developed with Raimondo's Restaurant and a parking lot. The restaurant was previously approved for 75 total seats pursuant to an application before the Ship Bottom Planning Board in 1994. The Applicant is now seeking to add 24 outdoor seats on the east side and north side of the building, for a total of 99 seats.

The Applicant requests the following variances from the Ship Bottom Zoning Ordinance:

1. Section 16.44.010(D): The minimum required front yard setback is 15 feet. The existing and proposed front yard setback to W. 11th Street is 4.9 feet, which is a preexisting nonconformity that is not changing. The existing and proposed front yard setback to Long Beach Boulevard is 9.9 feet, which is a preexisting nonconformity that is not changing.
2. Section 16.44.010(E)(2)(c): No sidewalk area shall be obstructed or utilized for any commercial purpose and no food shall be dispensed directly to any person standing or occupying prescribed sidewalk area. Moreover, if approved, any dispensing of food or other merchandise shall be done only to persons actually within the lot lines of the lot occupied by the vendor. Here, to the extent the proposed tables encroach into the right of way on the north side of the building, a variance is requested.

3. Section 16.44.010(E)(8): The minimum setback area shall include a planted buffer of five feet in width along any common property line with a residential district or use. The existing and proposed buffer consists only of fencing.
4. Section 16.44.010(F)(2): Restaurants, bars, night clubs and taverns shall provide one parking space for every four seats, but in all cases, a sufficient number of spaces to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles. With the 24 proposed outdoor seats, there are a total of 99 seats proposed. Based upon 99 seats, 25 parking spaces are required. There are currently 16 parking spaces at the site and 16 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 October 15, 2024 at 6:30 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=dmJ6MTVtVlRzhr0pBcVjXcitpaWFKdz09>

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>

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 # 3572

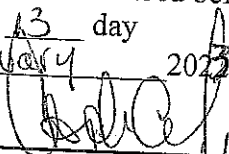
James S. Raban,
Attorney for Applicant


AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :
COUNTY OF Ocean : SS

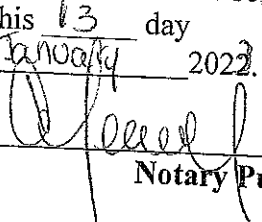
Raymond and Lisa Hughes, of full age, being duly sworn according to law, on his or her oath deposes and says that he or she resides at **1101 Long Beach Blvd.** in the City of **Ship Bottom** in the County of **Ocean** and **State of New Jersey**, that he or she is the owner in fee of all that certain lot, tract, or piece or parcel of land situated, lying and being in the Borough of **Ship Bottom** aforesaid, and known and designated as **Lots 1.02 and 2, Block 88** and that he or she hereby authorizes and appoints **James S. Raban, Esq.** to make the within application in his or her behalf and that the statements contained in said application are true.

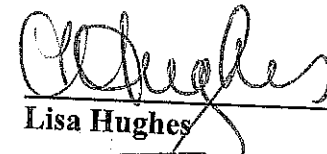
Sworn and subscribed before me this 13 day of January 2023.


Notary Public


Angela A Gembry Raymond Hughes
Notary Public
New Jersey
My Commission Expires 8-27-2024
No. 2389015

Sworn and subscribed before me this 13 day of January 2023.


Notary Public


Angela A Gembry Lisa Hughes
Notary Public
New Jersey
My Commission Expires 8-27-2024
No. 2389015