

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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August 27, 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: Ship Bottom Creek NJ LLC Variance
127 E. 27th Street, Ship Bottom, NJ 08008
Block 23, Lot 13

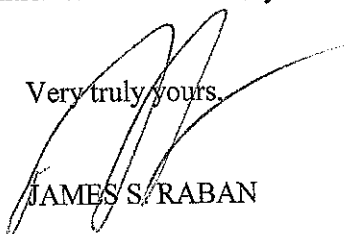
Dear Ms. Dela Cruz:

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 Robert Musgnug of Musgnug and Associates;
- (x) 18 copies of Variance Plans prepared by Jason Marciano, P.E., P.P. of East Coast Engineering;
- (x) Affidavit of Ownership;
- (x) W-9;
- (x) Public Notice;
- (x) Check No.: 3463 Amount \$1,125.00 Administrative Fee;
- (x) Check No.: 3464 Amount \$2,750.00 Escrow Account Deposit;
- (x) Please consent and/or approve for public hearing on September 17, 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.

Cc: Ship Bottom Creek, NJ LLC (via email)
Robert Musgnug (via email)
Jason Marciano (via email)

Sara Dela Cruz, Secretary

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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 : 127 E. 27th Street
Tax Map: Page 2 Block 23 Lot 13
Dimensions: Width: 25 ft. Depth: 80 ft. Total Area: 2,000 sq. ft.

Zoning District: R-3 Single and Two-Family Residential District

2. APPLICANT

Name: Ship Bottom Creek NJ LLC

Address: 1319 Mill Creek Road, Manahawkin, NJ 08050

Telephone Number: Home: 917-699-1694 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: Michael Ems Interest: 50%

Address: 1319 Mill Creek Rd., Manahawkin, NJ 08050

Name: Carol Ems Interest: 50%

Address: 1319 Mill Creek Rd., Manahawkin, NJ 08050

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 16.32.010(D) – The minimum required lot area is 4,000 square feet. The existing and proposed lot area is 2,000 square feet. This is an existing nonconformity which is not changing.

Section 16.32.010(D) – The minimum required lot width is 40 feet. The existing and proposed lot width is 25 feet. This is an existing nonconformity which is not changing.

Section 16.32.010(D) – The minimum required lot depth is 100 feet. The existing and proposed lot depth is 80 feet. This is an existing nonconformity which is not changing.

Section 16.32.010(D) – The minimum required combined side yard setback is 15 feet, with one side yard requiring a minimum setback of 10 feet. The existing easterly side yard setback is 11.1 feet; 3 feet is proposed. The existing westerly side yard setback is -0.6 feet; 3 feet is proposed. The proposed combined side yard setback is 6 feet.

Section 16.32.010(D) – The maximum permitted building coverage is 35%. The existing building coverage is 31.9%; 38.9% is proposed.

Section 16.32.010(D) – On any non-conforming lot of less than 40 feet in width no building shall be erected consisting of more than one habitable story or exceeding 24 feet in height. The existing dwelling has one and one half stories and the proposed number of stories is two. The existing building height is 19.7 feet; 29 feet is proposed.

Section 16.32.010(G) – The minimum required floor area is 900 square feet at the first floor level per dwelling unit. The existing area of the first floor is 521 square feet; 760 square feet is proposed.

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	Architectural Drawings prepared by Musgnug & Associates Architects

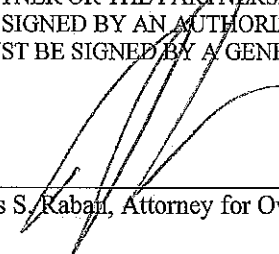
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

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

8/26/24

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 Ship Bottom Creek NJ LLC (the “Applicant”) has applied to the Land Use Review Board of the Borough of Ship Bottom (the “Board”), Ocean County, New Jersey for variances relative to development on the property designated as Lot 13 in Block 23 on the Tax Map of the Borough of Ship Bottom, located at 127 E. 27th Street. 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 16.32.010(D) – The minimum required lot area is 4,000 square feet. The existing and proposed lot area is 2,000 square feet. This is an existing nonconformity which is not changing.
2. Section 16.32.010(D) – The minimum required lot width is 40 feet. The existing and proposed lot width is 25 feet. This is an existing nonconformity which is not changing.
3. Section 16.32.010(D) – The minimum required lot depth is 100 feet. The existing and proposed lot depth is 80 feet. This is an existing nonconformity which is not changing.
4. Section 16.32.010(D) – The minimum required combined side yard setback is 15 feet, with one side yard requiring a minimum setback of 10 feet. The existing easterly side yard setback is 11.1 feet; 3 feet is proposed. The existing westerly side yard setback is -0.6 feet; 3 feet is proposed. The proposed combined side yard setback is 6 feet.
5. Section 16.32.010(D) – The maximum permitted building coverage is 35%. The existing building coverage is 31.9%; 38.9% is proposed.

6. Section 16.32.010(D) – On any non-conforming lot of less than 40 feet in width no building shall be erected consisting of more than one habitable story or exceeding 24 feet in height. The existing dwelling has one and one half stories and the proposed number of stories is two. The existing building height is 19.7 feet; 29 feet is proposed.
7. Section 16.32.010(G) – The minimum required floor area is 900 square feet at the first floor level per dwelling unit. The existing area of the first floor is 521 square feet; 760 square feet is 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 September 17, 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=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

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF _____

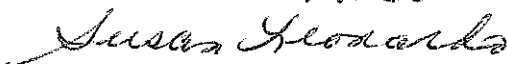
Ship Bottom Creek NJ LLC, of full age, being duly sworn according to law, on oath deposes and say that it owns 127 E. 27th Street in the Municipality of Ship Bottom in the County of Ocean, and State of New Jersey that they are the owner in fee of all that certain lot, tract, or parcel of land, situated, lying and being in the Borough of Ship Bottom, Ocean County, New Jersey, and known and designated at Lot 13 Block 23 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.


Michael Ems, Managing Member

Sworn and subscribed before me this 13th day of JANUARY 2024.


Carol Ems, Managing Member

Sworn and subscribed before me this 13th day of JANUARY 2024.

SUSAN LEONARDO

Comm# 50187890
MARCH 7, 2027
Notary Republic
STATE OF NEW JERSEY