

The regular meeting of the North Wildwood Planning Board was held on the above date & time. Adequate notice of this regular meeting was submitted to the official newspaper of the City of North Wildwood (AC Press) & local newspapers. An Agenda was posted on the main bulletin board at City Hall, well in advance of the meeting date & on the City web site.

A) CALL TO ORDER

Chairman Davis called the meeting to order.

B) OPEN PUBLIC MEETING STATEMENT

Chairman Davis read the Open Public Meeting Act statement.

C) PLEDGE OF ALLEGIANCE

Chairman Davis led the audience in reciting the Pledge of Allegiance to the Flag.

D) ROLL CALL

Chairman Robert Davis	Present	Mayor Patrick Rosenello'	Absent
Vice Chair Jodie DiEduardo	Present	Mayor's Designee Doug Miller	Absent
Chief Matt Gallagher	Present	Mr. William Green	Present
Mr. John Harkins	Present	Councilman David Del Conte	Present
Mr. George Greenland	Present	Mr. James M. Flynn	Present
Mr. Bill Auty (Alt. 1)	Present	Mr. Bill O'Connell (Alt. 2)	Absent
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	Present

Mr. Dean Marcolongo (Board Solicitor)	Present
Mr. Ralph Petrella (Board Engineer)	Present
Ms. Brian Murphy (Board Planner)	Present
Eric Gundrum, (PB Secretary)	Present

The Board Solicitor announced that the Board quorum has been established.

D) SWEARING IN OF PROFESSIONALS:

The Board Solicitor did conduct the truth swearing of the Board's professionals as it was necessary for tonight's meeting.

E) MOTIONS FOR ADJOURNMENTS:

Z-16-12-3 John & Carol Wagner and David & Marybeth Cross

Block 6.04, Lot 1
2 St. Demetrios Avenue
R-2 Zoning District
Major siteplan approval with Use Variance approval &
Several setback "c" variances

This application was announced by the Board Secretary upon request of the applicant's experts by email in advance of the meeting. The Board Solicitor made the announcement that no further public notice was required to notice this application for the April 12, 2017. The application will be adjourned for next month's meeting for the April 12, 2017 meeting.

P-16-7-1(A) John & Lisa Heffren

Block 280, Lot 9
322 East 2nd Avenue
R-1 Zoning District
Minor siteplan approval, with several setback "c" variances

This application was announced by the Board Secretary upon request of the applicant's experts by email in advance of the meeting. The Applicant's attorney incorrectly sent out public notices for the March meeting. The Board Solicitor made the announcement that no further public notice was required to notice this application for the April 12, 2017. The application will be adjourned for next month's meeting for the April 12, 2017 meeting.

F) MEMORIALIZATIONS:

P-16-12-1 Paul Versaggi

Block 216, Lot 10
125 E. Fifth Avenue
R-1.5 Residential Zoning District
Minor subdivision approval

Paul Versaggi residing at 603 Chinook Drive, Downingtown, PA has applied to the Board for minor subdivision approval to create two (2) lots from one (1) existing lot at Block 216, Lot 10, commonly known as 125 E. 5th Avenue.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Mr. Green & 2nd by Vice Chair DiEduardo. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Memorialization of the Resolution was approved by the Board. Chief Gallagher, Mr. Auty, Mr. Peters & Ms. Haas abstained on the memorialization.

P-16-12-4 John Cole

Block 183, Lot 15
125 West 7th Avenue, North Wildwood, NJ
R-2 Residential Zoning District
Minor subdivision approval

John & Joann Cole residing at 125 West 7th Avenue, have applied to the Board for minor subdivision approval to realign lot lines between adjacent properties for properties located at Block 183, Lots 15 & 1, commonly known as 125 West 7th Avenue. The property is located in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Memorialization of the Resolution was approved by the Board. Chief Gallagher, Mr. Auty, Mr. Peters & Ms. Haas abstained on the memorialization.

Z-16-11-2 Thomas Uhl

Block 137, Lot 18
203 W. 22nd Avenue
R-2 Zoning District
Minor Siteplan approval with Use Variance approval &
Several setback "c" variances

Thomas Uhl residing at 203 W. 22nd Avenue, has applied to the Board for a D-2 use variance for the expansion of a nonconforming use (renovations to a 2nd principal structure on a lot) preliminary & final siteplan approval & variances for rearyard setback (9.23 ft. proposed where 10 ft. is permitted), sideyard setback (3.1 ft. proposed where 10 ft. is required), number of parking spaces (four (4) spaces proposed where five (5) is required) & distance between buildings (7 ft. 4.5 in. proposed where 8 ft. is required) for property located at Block 137, Lot 18, commonly known as 203 W. 22nd Avenue. The property is located in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Memorialization of the Resolution was approved by the Board. Chief Gallagher, Councilman DelConte, Mr. Auty, & Ms. Haas abstained on the memorialization.

G) NEW BUSINESS:

P-16-12-2 Wynnefield Development, LLC

Block 291, Lot 7, 8 & 13

418 - 420 E. 22nd Avenue

RH Zoning District

Minor Subdivision approval with setback "c" variances

Wynnefield Development, LLC doing business at 8800 Seaview Avenue, Wildwood Crest, NJ has applied to the Board for amended preliminary & final siteplan approval to construct two (2) 6-unit buildings on two (2) separate lots together with minor subdivision approval to realign lot lines and create two (2) lots from three (3) existing lots & a rearward setback variance (8.7 ft. proposed where 10 ft. is required) for properties located at Block 291, Lots 7, 8 & 13, commonly known as 418 - 420 East 22nd Avenue.

Jeffrey Barnes, Esq. appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Barnes marked as Exhibit A-1, a 16 page packet which provided the Board with a history of the subject property including the prior approval by Resolution P-05-12-7 from a meeting held November 9, 2005 where the Applicant was approved to construct generally what is now proposed before the Board.

In addition, the Board was in receipt of a siteplan of Garramone Architects, LLC dated August 8, 2005, last revised October 17, 2005. The Board was also in receipt of a plan of minor subdivision of Dante Guzzi Engineering Associates, dated November 21, 2016.

Mr. Barnes advised the Board that on November 9, 2005 the prior owner of the property came before the Board requesting preliminary & final site plan approval and a minor subdivision to construct two (2) separate 6-unit buildings on the subject property. Rather than pursue the minor subdivision, however, the Applicant was required to consolidate four (4) lots fronting on both 22nd & 23rd Avenue to create two (2) new lots where the 6-unit building would be constructed. That consolidation never occurred. He noted at that time the property was located in the OB-2 Zone. Mr. Barnes advised that since that time the City had renamed these lots as Lots 7, 8 & 13 and the building adjacent to 22nd Avenue had been constructed over the lot line between Lots 7 & 8. Mr. Barnes advised that in 2016 the Applicant purchased the property & has completed construction in the first building. However, as a result of changes at the NJ Dept. of Community Affairs (NJDCA) regarding their public offering, there has been a need to construct these two (2) buildings on two (2) separate lots which are now located in the RH Zoning District. Mr. Barnes advised that he has spoken to the Solicitor who confirms that as a result of the NJ Permit Extension Act the prior approval is still in full force & effect and that this application should be judged under the former OB-2 Zoning District requirements. Upon questioning from the Board, Mr. Barnes advised that the Applicant will be creating two (2) separate condominium associations to service each building.

Joseph Garramone, a licensed architect with Garramone Architects, LLC appeared, was sworn & testified on behalf of the application. Mr. Garramone testified that the Applicant is proposing to construct the 2nd building adjacent to 23rd Avenue with that building substantially the same as the

building approved back in 2005 & substantially the same as the building that now exists adjacent to 22nd Avenue. He further testified that the proposed siteplan improves lot coverage and the sideyard setback. Mr. Garramone testified that a rearyard setback variance is necessary for the building that has been constructed adjacent to 22nd Avenue as a result of the need to provide a 2nd location for ingress & egress into the building and to avoid the necessity of variance relief for the building adjacent to 23rd Avenue.

Chairman Davis then opened the application for general public comment. No public members wished to speak on behalf of the application or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

Mr. Petrella, Board Engineer, to which the Board was in receipt of a review memorandum of Mr. Petrella dated February 28, 2017 which was incorporated as fact. Mr. Murphy, Board Planner, appeared, was sworn & testified as to the application. The Board was in receipt of a review memorandum of Mr. Murphy, dated March 1, 2017 which was incorporated as fact.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the minor subdivision & siteplan application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland “volunteered” for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is RH. The Applicant is the owner of the subject property and, as such, has standing to come before the Board requesting amended preliminary & final siteplan approval, minor subdivision & a rearyard setback variance to construct two (2) 6-unit residential buildings on the subject property. The subject property was presented to the Planning Board in 2005 under application P-05-12-7. At that time the property consisted of eight (8) separate lots which were supposed to be consolidated into two (2) separate lots to facilitate the development of the buildings. The consolidation never occurred, although the structure adjacent to 22nd Avenue was built. The City of North Wildwood renamed these lots, Lots 7, 8 & 13 and the construction adjacent to 22nd Avenue resulted in the building crossing the property line between Lots 7 & 8. Lot 8 runs from 22nd Avenue to 23rd Avenue. The Applicant’s prior approval is still in full force & effect under the NJ Permit Extension Act and this application will be judged using the old OB-2 Zoning District requirements rather than the RH Zoning District requirements. The new lot created adjacent to 23rd Avenue is vacant & the Applicant proposes to construct a new 6-unit residential building on that lot which is substantially the same as the proposed development from 2005 & substantially the same as the building that has already been constructed adjacent to 22nd Avenue. The Applicant requires a rearyard setback variance for the building that has been constructed on 22nd Avenue. The building to be constructed adjacent to 23rd Avenue will be built with no variance relief required. The Board finds that the rearyard setback variance can be granted under both the C1 & C2 criteria. As to the C1 criteria, the variance relief can be granted as a result of the lawfully existing buildings on the site. As to the C2 criteria, the Board finds that the benefits of the variance substantially outweigh any detriment such that the application for variance relief can be granted. The purposes of the zoning law would be advanced by the proposed development, the Applicant has satisfied the requirements for minor subdivision & siteplan application. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Mr. Green & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the

motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board. Ms. Haas was not required to vote on the application.

At the conclusion of the application, the Board took a five-minute recess. At the conclusion of the recess the Board went back to open session of the meeting.

The following application required Use Variance/siteplan approval, so that Councilman DelConte was not required to vote on the following applications.

Z-16-1-1 In Plaza Advertising, LLC

Block 317.01, Lot 10

511 East 17th Avenue

RH Zoning District

Minor Siteplan approval with Use Variance approval &
Several setback "c" variances

In Plaza Advertising, LLC doing business at 79 Boxwood Road, Churchville, PA has applied to the Board for preliminary & final siteplan approval, a D-2 Use Variance for the expansion of a nonconforming use, variances for rearyard setback (5.5 ft. proposed where 15 ft. is required), sideyard setback (4 ft. proposed where 8 ft. is required), frontyard setback (5 ft. proposed where 10 ft. is required), number of parking spaces (3 proposed where 6 are required) & a waiver for percentage of contiguous raised curb to renovate an existing 1st floor commercial unit, expand a 2nd floor residential unit & add a 3rd floor residential unit to an existing building located at Block 317.01, Lot 10, commonly known as 511 East 17th Avenue.

Michael DeCroce, an attorney at law in the State of New Jersey & partner in the In Plaza Advertising, LLC, as Applicant appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. DeCroce advised that the Applicant has been in the advertising business for 15 years providing seasonal advertising within the greater Wildwood area. They seek to have a more formal presence on the island. He advised that the Applicant proposes to renovate an existing building, provide for a reduced commercial unit on the ground floor, an expanded residential unit on the 2nd floor & a new residential unit on the 3rd floor to be used by the Applicant business as an office with one upstairs unit available to each partner.

David Curry of Churchville, PA appeared, was sworn & testified on behalf of the application. He advised that he is one of the two owners of In Plaza Advertising, LLC & Mr. DeCroce is his partner in the advertising business. Mr. Curry provided the Board with an explanation of their seasonal advertising business & a history of the facility, most recently used as a café. Mr. Curry advised that he & his partner intend to use the 1st floor as their local business office with two (2) residential units above, each of which will be used by the individual partners' families. Mr. Curry advised that the subject property is aesthetically displeasing, being the "ugliest building on the block". They are proposing a full renovation of the building which will make it more attractive. Mr. Curry testified that there is a 3-story quadraplex next to the building & there are numerous condominium units in the area. As such, residential units are not unusual in the area & their proposed development would be compatible with same. Mr. Curry testified that the Applicant has no intention of renting the two (2)

residential units, as it will be used by their families. In addition, given the nature of their business, very few clients ever come to the property. Most of the unit will be used for storage of their signage & he noted that the Boardwalk Special Improvement District (SID) is a client. Mr. Curry testified that the proposal will result in one (1) parking space within a garage which will be created in the building with two (2) parking spaces in front.

Upon questioning from the Board, Mr. DeCroce advised that the application had discussed the Applicant obtaining a lease for one (1) parking space from a neighboring property. However, there has been a turnover in ownership in that adjacent property and that space is no longer available so that portion of the application has been withdrawn.

The Board was in receipt of a survey of Martinelli Land Surveying, LLC, dated November 7, 2014. They were also in receipt of elevations & floor plans of Jeffrey Harris RA, last revised October 26, 2016. Both of these documents were incorporated as fact.

Vincent Orlando, a registered architect, professional planner & licensed land surveyor with Engineer Design Associates, Greenfield, NJ appeared, was sworn & testified from his siteplan dated September 25, 2015, & last revised January 19, 2017, which were received by the Board & incorporated as fact. Mr. Orlando testified as to the location of the property & existing conditions on same. He noted that this is a unique building containing a unique use. He testified that the Applicant proposes to rehabilitate the exterior of the entirety of the building to make it more aesthetically pleasing. This would result in the creation of a commercial unit & two (2) small apartments above. The commercial unit will be used for the Applicant's advertising business but will be used more for storage than client conferences. Mr. Orlando testified that the Applicant is proposing two (2) off- street parking spaces with one (1) additional parking space in front of the garage provided, although it will only have 13 ft. of length. Mr. Orlando testified that he believes that the purposes of zoning will be advanced by the proposed development. He believes that the renovation of the building will be better for the neighborhood and, as such, provide for the public, health, safety & welfare. He testified that the Applicant proposes to raise the interior of the building 2 inches, which will place same above base flood elevation (BFE) thus protecting it from flooding. He also believes that the proposed development will provide for desirable visual environment & an efficient use of the land. As to the negative criteria, Mr. Orlando testified that he does not believe that there will be any "substantial" damage to the Zoning Map & Land Development Ordinance such that the application for variance relief can be granted. Mr. Orlando testified that the special reasons set forth for the D-2 Use Variance above would also be justification for the C variances that the Applicant has requested. He noted all of these variances are existing nonconforming conditions. Upon questioning from the Board, Mr. Orlando testified that the two (2) parking spaces provided are for the residential units & not for the business.

Mr. Petrella, Board Engineer, appeared, was sworn & testified as to the application. He noted that the rear decks of the property do not exist and, as such, they extend into the rearyard & sideyard setbacks. The Board was in receipt of a review memorandum of Mr. Petrella dated January 30, 2017 which was incorporated as fact. Mr. Murphy, Board Planner, appeared, was sworn & testified as to the application. The Board was in receipt of a review memorandum of Mr. Murphy, dated May 31, 2016 & last revised February 18, 2017 which was incorporated as fact. Mr. Murphy testified that the Board should not consider the fact that the Applicants have testified that the residential units will be used by their families. The Board must assume that these units could be sold as condominiums or rented in the

future. He suggested the proposed development is increasing the intensity of use at the lot & will create additional parking problems. He questioned whether the proposal requires a handicapped parking space. This issue will need to be resolved by the Construction Office.

At this point in time, the Board took a five (5) minute break in the meeting, upon the conclusion of the break, the Board continued into open session on the application at hand.

Chairman Davis then opened the application for general public comment. No public members wished to speak on behalf of the application or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the Use Variance/siteplan application as presented. The Board then discussed the finding of facts on the Use Variance/siteplan application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland “volunteered” for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is RH. The Applicant has standing to appear before the Board requesting siteplan approval. The Applicant is the owner of the subject property and, as such, has standing to come before the Board requesting amended preliminary & final siteplan approval, a D-2 Use Variance for the expansion of a nonconforming use & variances for rear yard setback, side yard setback, front yard setback, number of parking spaces and a waiver of contiguous curb cut to renovate an existing building to create one (1) commercial unit on the ground floor & two (2) residential units above on the property which is located in a RH Zone. The existing usage on the property is nonconforming and, as such, the expansion of this building requires a D-2 use variance. The Applicant has agreed to several conditions of approval including revising the siteplan to provide for one (1) full parking space in front of the garage & that there will be no signage on the plans. The Board finds that the application did conform to the merits of the Use Variance request. The purposes of the Land Development Ordinance would be advanced by the proposed development, the Applicant has satisfied the requirements for siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Use Variance/siteplan application as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote of five (5) affirmative votes, the Use Variance/siteplan application was approved by the Board. Mr. Greenland & Mr. Flynn voted “no.” Councilman DelConte, Mr. Auty, Mr. Peters & Ms. Haas were not required to vote on the application.

Z-17-1-1 Sandview, LLC

Block 290, Lot 55

451-465 East 24rd Avenue

RH Zoning District

Minor Subdivision approval with Use Variance approval &

Several setback “c” variances

Sandview, LLC doing business 1424 Gabriel Lane, Warwick, PA has applied to the Planning Board for minor subdivision approval to create two (2) lots from one (1) lot, a D-1 Use Variance for a

use not permitted in a zone (to develop a triplex on each of the two (2) new lots), variances for lot frontage & width (80 ft. proposed where 150 ft. is required), building height (39.5 ft proposed where 36 ft. is permitted), sideyard setback (4 ft. proposed where 8 ft. is required), number of parking spaces per lot (six (6) proposed where nine (9) are required) & lot area (8,000 sq ft. proposed where 15,000 sq. ft. is required) together with preliminary & final siteplan approval for property located at Block 290, Lot 55, commonly known as 451-465 East 24th Avenue.

Jeffrey Barnes, Esq. appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Barnes advised that the Applicant is proposing to subdivide the subject property into two lots and create a triplex on each lot.

Mr. Barnes marked as Exhibit A-1, a packet containing 10 sheets showing the proposed lot, proposed building elevations & North Wildwood Planning Board Resolution P-04-4-3 from April 14, 2004 where the Applicant had obtained subdivision approval to create two (2) lots with an eight (8) unit multifamily building on each lot. That development never occurred & the subject property has now been rezoned from the OB-2 Zoning District to the R-H Zoning District. The Board was in receipt of a plan of minor subdivision of Martinelli Land Surveying, LLC, dated December 30, 2016, last revised February 16, 2017 which was incorporated as fact. The Board was also in receipt of floor plans & elevation of Garramone Architects, LLC, dated January 10, 2017 & last revised February 2, 2017 which was incorporated as fact. The Board was in receipt of a major siteplan of Engineering Design Associates (EDA), dated January 4, 2017 & last revised February 15, 2017 which was incorporated as fact.

Vincent Orlando, a registered engineer, a professional planner & landscape architect of EDA, appeared, was sworn & testified on behalf of the application. Mr. Orlando testified that the subject property is adjacent to 24th Avenue & that 24th Avenue has been predominantly developed with residential units. He noted that the property is located in the RH Zone; however, in his opinion, he does not believe that there is any market for the development of a hotel in this area & that there is no financing for that type of facility. Mr. Orlando testified that the subject property is currently vacant & the Applicant proposed to divide it into two (2) lots with a triplex on each lot. It is anticipated that these will be predominantly used as rental units for the transient market which meets the spirit of the RH Zoning District. Mr. Orlando testified that he believes that special reasons exist for the granting of the D-1 Use Variance, specifically, since the proposed development is compatible with the neighborhood's existing development and this promotes the public health, safety & welfare. He believes that the proposed buildings, which meet all building coverage's, will promote adequate light, air & open space and will create a desirable visual environment. He also testified that he believes that the proposed development promotes appropriate population densities in appropriate locations by providing units for transitory guests that prefer a more upscale living arrangement. Mr. Orlando testified that, since he believes that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent and purpose of the Zoning Map & Land Development Ordinance (Ordinance). Mr. Orlando, again, testified that the area & the size of the subject property are simply not conducive to the development of a hotel & that this is the best alternative for development at this location. Mr. Orlando testified from Exhibit A-2, which was a 2nd Google Map of the subject property, which highlighted residential development in this area. Mr. Orlando testified that he believes that the development of a hotel in this area would place more of a burden on the neighborhood as a result of higher traffic volumes & that

residential development is more in the spirit of development in this area. The Board questioned Mr. Orlando regarding the limited parking provided for these triplexes. Mr. Orlando testified that each unit will receive two (2) parking spaces & that there are some available on-street parking spaces. Upon questioning from the Board, Mr. Orlando testified that the owner of the subject property had attempted to obtain financing for a hotel at this location, however, that financing is simply not available. The cost of the development of a hotel at this time is very high & the seasonal nature of the hotel business in the Wildwoods simply would not allow the owner to satisfy the financial obligation that it would be forced to take on. Mr. Orlando testified that there is an access easement to the benefit of boardwalk stores on the east side of the property. That access easement, which takes up the easterly 10 ft. of the easterly lot, has forced the developer to move the triplex slightly to the west, resulting in the need for a sideyard setback variance for that lot. He notes, however, that the Applicant developed the westerly lot with a 12 ft. setback to the east to ensure sufficient space between the buildings. Mr. Orlando testified that the Applicant does require a variance for lot area based upon an unusual portion of the Ordinance which requires 150 ft. of frontage for lots within the 1st 1/3 of the block nearest the boardwalk. He believes that the benefits of the variance outweigh any detriment since that regulation was created in anticipation of hotels being developed rather than smaller triplexes.

Joseph Garramone, a licensed architect with Garramone Architects, LLC appeared, was sworn & testified as to the proposed development. He believes that the buildings will be aesthetically pleasing & provide for a desirable visual environment. He further stated that while the Applicant is requesting a height variance, this variance would only be a C variance rather than a D variance since it does not exceed 10% of the allowed height in the zone.

Chairman Davis then opened the application for general public comment. No public members wished to speak on behalf of the application or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

Mr. Petrella, Board Engineer, to which the Board was in receipt of a review memorandum of Mr. Petrella dated February 28, 2017 which was incorporated as fact. Mr. Murphy, Board Planner, prepared a report memorandum, dated March 3, 2017, to which the Board was in receipt, and which was incorporated as fact.

The Board members then discussed & summarized the Use Variance/ minor subdivision application as presented. The Board then discussed the finding of facts on the Use Variance/ minor subdivision application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is RH. The Applicant has standing to appear before the Board requesting minor subdivision/siteplan approval. The Applicant's experts testified that special reasons exist for the granting of the D-1 Use Variance, specifically, since the proposed development is compatible with the neighborhood's existing development and this promotes the public health, safety & welfare. The proposed buildings, which meet all building coverage's, will promote adequate light, air & open space and will create a desirable visual environment. The proposed development promotes appropriate population densities in appropriate locations by providing units for transitory guests that prefer a more upscale living arrangement. The Applicant's planning expert testified that, the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to

the public good & without substantially impairing the intent and purpose of the Zoning Map & Land Development Ordinance (Ordinance). Testimony was provided that the area & the size of the subject property are simply not conducive to the development of a hotel & that this is the best alternative for development at this location. The Board finds that the application did conform to the merits of the Use Variance. The purposes of the zoning law would be advanced by the proposed development, the Applicant has satisfied the requirements for siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Use Variance/ minor subdivision application as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote of five (5) affirmative votes, the Use Variance/siteplan application was approved by the Board. Councilman DelConte, Mr. Auty, Mr. Peters & Ms. Haas were not required to vote on the application.

Z-17-2-2 Sandview, LLC

Block 290, Lot 56

450-464 East 23rd Avenue

RH Zoning District

Minor Subdivision approval with Use Variance approval &
Several setback “c” variances

Sandview, LLC doing business at 1424 Gabriel Lane, Warwick, PA has applied to the Board for minor subdivision approval to create three (3) lots from one (1) lot & a D-1 Use Variance for a use not permitted in a zone (single-family dwellings in the RH Zoning District) for property located at Block 290, Lot 56, commonly known as 450-464 East 23rd Avenue.

Jeffrey Barnes, Esq. appeared on behalf of the application & explained the nature of the application to the Board. Mr. Barnes requested that much of the testimony that had been received by the Board this evening in the previous application of Z-17-1-1 for Sandview, LLC be incorporated into the record for this application, specifically as to the 19 ft. wide access easement running along the east side of the subject property to the benefit of Block 290, Lot 5 & the boardwalk stores on that lot. Mr. Barnes advised the Board that the Applicant proposed to divide the existing lot into three (3) lots, Lots 56.01 & Lot 56.02 each being a 50 ft. x 100 ft. lot and proposed Lot 56.03, which is the easterly lot, being a 60 ft. x 100 ft. lot but that lot is encumbered by the 10 ft. wide access easement to the east. Therefore, each lot is basically a 50 ft. x 100 ft. lot. The Applicant is proposing that each lot will be developed with a single-family dwelling, specifically, in accordance with the City’s R-1 Zoning regulations as they currently exist.

Vincent Orlando, a licensed engineer, professional planner & licensed landscape architect, appeared, was sworn & testified from the subdivision plan of Martinelli Survey, dated December 27, 2016, last revised February 16, 2017 which was incorporated as fact. Mr. Orlando testified as to the proposed development of the two (2) 50 ft. x 100 ft. lots & the one (1) 60 ft. x 100 ft. lot which is encumbered by the easement. Mr. Orlando testified as to the purposes of zoning which are advanced by the proposed development which necessitates a D-1 Use Variance. Mr. Orlando testified that 23rd Avenue is not a street which has been developed with transitory units such as a hotel, per the Master

Plan as well as the Land Development Ordinance (Ordinance) requirements of the RH Zoning District. There are many multi-family residential units on this street & one (1) single-family dwelling. In his opinion, a hotel would be an incompatible development on this street & would result in a detriment to the neighborhood as a result of increased traffic & the difficulties associated with transient guests. Mr. Orlando testified that the proposed development is more compatible with the neighboring development than a hotel and, as such, he believes that the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance. Mr. Barnes, again, requested that Mr. Orlando's testimony regarding the fact that hotels cannot be financially developed on this site which was given in the prior Sandview, LLC hearing be incorporated into this record. Mr. Orlando testified that he believes that the purposes of zoning are advanced by the proposed development since single-family development on these lots provides for an increase in Green Space which provides for adequate, light, air & open space, and the residential development will promote the public, health, safety & welfare. In his opinion, the proposed development also provides for the efficient use & development of land and provides for appropriate population densities in appropriate locations.

Mr. Petrella, Board Engineer, to which the Board was in receipt of a review memorandum of Mr. Petrella dated February 28, 2017 which was incorporated as fact. Mr. Murphy, Board Planner, prepared a report memorandum, dated March 3, 2017, to which the Board was in receipt, and which was incorporated as fact.

Chairman Davis then opened the application for general public comment. No public members wished to speak on behalf of the application or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the Use Variance/minor subdivision application as presented. The Board then discussed the finding of facts on the Use Variance/ minor subdivision application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is RH. The Applicant is the owner to the subject property and, as such, has standing to come before the Board requesting minor subdivision approval to create three (3) lots from one (1) existing lot & a D-1 Use Variance for a use not permitted in a zone to construct three (3) single-family dwellings on the subject property which is located in an RH Zoning District. The Applicant proposes to develop two (2) 50 ft. x 100 ft. lots and one (1) 60 ft. x 100 ft. lot, however, the 60 ft. x 100 ft. lot is encumbered by a 10 ft. wide access easement to the east which is not affected by the proposed development. The Applicant's experts testified that special reasons exist for the granting of the D-1 Use Variance, specifically, since the proposed development is compatible with the neighborhood's existing development and this promotes the public health, safety & welfare. The proposed buildings, which meet all building coverage's, will promote adequate light, air & open space and will create a desirable visual environment. The proposed development promotes appropriate population densities in appropriate locations by providing units for transitory guests that prefer a more upscale living arrangement. The Applicant's planning expert testified that, the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent and purpose of the Zoning Map & Land Development Ordinance (Ordinance). Testimony was provided that the area & the size of the subject property are

simply not conducive to the development of a hotel & that this is the best alternative for development at this location. The purposes of the zoning law would be advanced by the proposed development, the Applicant has satisfied the requirements for Use Variance/minor subdivision approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Use Variance/ minor subdivision application as discussed. Motioned by: Mr. Green & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote of five (5) affirmative votes, the Use Variance/siteplan application was approved by the Board. Councilman DelConte, Mr. Auty, Mr. Peters & Ms. Haas were not required to vote on the application.

H) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. No public members wished to speak on behalf of the meeting or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

I) APPROVAL OF MINUTES: – February 8, 2017 Regular meeting

The Board Solicitor presented to the Board the approval of February 8, 2017 Regular Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green mentioned some minor corrections/edits which can be corrected upon adoption. No discussion to the minutes. Motioned as amended, as proposed by Vice Chair DiEduardo & 2nd by Mr. Greenland. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

J) UNFINISHED BUSINESS: None presented.

K) COMMUNICATION(S):

The Board, thru the Board Secretary received thank-you card from Chief Gallagher for the Board's thoughtfulness in the recent funeral of his relative.

Mr. Greenland announced the proposals for new Convention Center Hotel being released by Greater Wildwoods Tourist Improvement & Development Authority (GWITDA).

Future Master Plan amendments/planning:

Chairman Davis requested as an agenda item be placed on the agenda that the Board could comment on new Master Plan topics and/or Ordinance amendment suggestions. The Board Secretary would keep a list of Ordinance amendment suggestions. The Board Secretary distributed a list of possible amendments to the Ordinance for review by the Board. The listing was requested by the City Administration. Chairman Davis recommended that this discussion be left on the Agenda for future discussion of the Board.

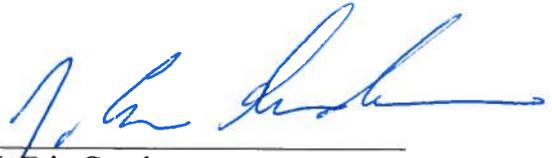
L) REPORTS: None presented.

M) MEETING ADJOURNED:

Meeting was adjourned at 10:28pm, on motioned by Vice Chair DiEduardo & 2nd by Ms. Haas. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

4/13/17
Date



J. Eric Gundrum
Board Secretary

This is an interpretation of the action taken at the meeting by the Secretary, and not a verbatim transcript.