

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)	Present
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	Absent
		Mr. Dean Marcolongo (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	Present
		Mr. Cindy Chermerys for 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-17-2-1 William & Judith Francisco**

Block 149, Lot 23  
225 W. 10<sup>th</sup> Avenue  
R-2 Zoning District

Minor siteplan approval, with Use Variance (Height) approval & several setback "c" variances

This application was announced by the attorney of the Applicant, Eric Gabbrant, Esq., for adjournment to next month's meeting. The Board Solicitor made the announcement that no further public notice(s) was required to notice this application for the May 10, 2017 meeting. The application will be adjourned for next month's meeting for the May 10, 2017 meeting.

**Z-16-12-5 JFM of Wildwood NJ, LLC**

Block 191, Lot 1  
130 W. Spruce Avenue  
D& E Zoning District

Minor subdivision approval  
Major siteplan approval with Use Variance approval &  
Several setback "c" variances

This application was announced by the Board Solicitor . The Board Solicitor made the announcement that no further public notice was required to notice this application for the May 10, 2017. The application will be adjourned for next month's meeting for the May 10, 2017 meeting.

F) **MEMORIALIZATIONS:**

**P-16-12-2 Wynnefield Development, LLC**

Block 291, Lot 7, 8 & 13  
418 - 420 E. 22<sup>nd</sup> 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 rearyard 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 22<sup>nd</sup> Avenue.

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. Mr. O'Connell abstained on the memorialization.

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

Block 317.01, Lot 10

511 East 17<sup>th</sup> 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 rearward 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 17<sup>th</sup> Avenue.

The Board Solicitor called for a motion to approve the memorialization 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 Memorialization of the Resolution was approved by the Board. Mr. O'Connell abstained on the memorialization.

**Z-17-1-1 Sandview, LLC**

Block 290, Lot 55

451-465 East 24<sup>th</sup> 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 24<sup>th</sup> Avenue.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Chief Gallagher & 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.

**Z-17-2-2 Sandview, LLC**

Block 290, Lot 56

450-464 East 23<sup>rd</sup> 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 23<sup>rd</sup> Avenue.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Vice Chair DiEduardo & 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 being affirmative, the Memorialization of the Resolution was approved by the Board. Mr. O’Connell abstained on the memorialization.

G) **NEW BUSINESS:**

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

**Z-17-4-1 John & Lisa Heffren**

Block 280, Lot 9

322 East 2<sup>nd</sup> Avenue

R-1 Zoning District

Minor siteplan approval, with Use Variance approval &  
with several setback “c” variances

John & Lisa Heffren residing at 610 Brumar Drive, Hatboro, PA have applied to the Board for a D-6 height variance (31.23 ft. proposed where 24 ft. is permitted) together with variances for lot area (2,500 sq. ft. proposed where 5,000 sq. ft. is required), lot frontage & width (25 ft. proposed where 50 ft. is required), number of stories (three (3) proposed where two (2) are permitted), frontyard setback (7.36 ft. proposed where 10 ft. is required), sideyard setback (three (3) ft. proposed where eight (8) ft. is required), total sideyard setback (6.1 ft. proposed where 20 ft. is required) & size of parking space (8 ft. 9 in. proposed where 9 ft. is required) to renovate an existing single-family dwelling located at Block 280, Lot 9, commonly known as 322 East 2<sup>nd</sup> Avenue.

Marcus Karavan, Esq. of Wildwood, NJ appeared on behalf of the Applicants & explained the nature of the application to the Board. Mr. Karavan advised that the Applicants desire to renovate the existing single-family dwelling on-site to make same more livable for the property owners. Numerous variances are requested for the proposed development.

The Board was in receipt of a Survey from Hyland Design Group dated December 29, 2016. Additionally, the Board was in receipt of Development Plans from Louis A. DiGregorio, architect, & last revised February 17, 2017 which are incorporated as fact.

Louis DiGregorio, a licensed architect, appeared, was sworn & testified on behalf of the application. Mr. DiGregorio testified as to the existing condition of the home which he described as older & obsolete. The Applicants intend to gut the property, renovate & redesign same. Mr. DiGregorio testified that currently the building has been constructed below base flood elevation (BFE). However, the Applicants intend to over frame the 1st floor to raise it above BFE, renovate the remainder of the building & construct a new 3rd floor. Mr. DiGregorio testified that the lot is 25 ft. wide by 100 ft. deep & is an undersized lot. The Applicants intend, however, to construct on the existing footprint with the same sideyard setbacks. They also intend to create two (2) off-street parking spaces by way of an easement with the neighboring property owner. Mr. DiGregorio testified that since the subject property is an undersized lot, the Land Development Ordinance limits the height of the building to 24 ft. However, the Applicants are proposing to construct the building to 31.22 ft., thus, necessitating a D-6 height variance. Mr. Karavan marked as Exhibits A-1 & A-2 photographs of neighboring homes which Mr. DiGregorio felt were compatible to the proposed renovated structure. Testifying as to the D-6 variance request, Mr. DiGregorio felt that special reasons do exist for the granting of that variance since the proposed building will now be constructed above BFE & will be completely renovated so as to conform to current construction codes. Mr. DiGregorio further testified that since they do intend to gut the structure & completely renovates the interior & exterior of same and the proposed development is compatible with the neighborhood 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. DiGregorio testified that the Applicant is proposing to develop two (2) off-street parking spaces on the west side of the building. There currently exists an easement with the neighboring property owner which was created in 1942. Mr. Karavan stated that he will be preparing a new Deed of Easement which will permit the Heffern's to create two (2) off- street parking spaces between the buildings & require the neighbor to remove all obstructions from the parking area.

Mr. Petrella, Board Engineer, testified as to the application noting that the survey shows only 8 ft. 9 in. between the buildings, therefore, the Applicants will need a variance for the width of these parking spaces regardless of the easement itself.

Mr. Petrella, Board Engineer, to which the Board was in receipt of a review memorandum of Mr. Petrella dated April 5, 2017 which was incorporated as fact. Mr. Murphy, Board Planner, prepared a report memorandum, dated April 14, 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/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 R-1. The Applicant is the owner to the subject property and, as such, has standing to come before the Board requesting siteplan approval to expand existing structure with increased height beyond what is permitted under Ordinance. A "D-6" Height/Use Variance is required for increased height not permitted under the Ordinance (Sect. 276-34(B)(9) on the subject property. The Applicant proposes to expand the existing structure within the existing footprint, while increasing the height for flood prevention. The Applicant's experts testified that special reasons exist for the granting of the "D-6" 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 Board specifically finds that the development plans will raise habitable area of this building above BFE & will result in the construction of a building fully in conformance with current construction codes. Therefore, the Board is satisfied that special reasons exist for the granting of the "D-6" Use Variance. Similarly, the Board finds that the special reasons justification set forth above for the "D-6" variance is equally applicable to the "C" variances requested by the applicants. In addition, the Board finds that the benefits of the variance relief outweigh any detriment, specifically, with the Board finding that the proposed development will now provide for two (2) off street parking spaces. 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. Testimony was provided that the area & the size of the subject property are simply not conducive to the development of a new structure, thus renovation is desired & 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/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. Flynn. 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 seven (7) affirmative votes, the Use Variance/siteplan application was approved by the Board. Board members Mr. Auty, Mr. O'Connell & Mr. Peters were not required to vote on the application.

**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

John & Carol Wagner and David & Marybeth Cross residing at 33 Dorset Drive, Medford, NJ have applied to the Board for preliminary & final siteplan approval, a D-1 Use Variance for a use not permitted in a R-2 Zoning District & "c" variances for frontyard setback (7 ft. proposed where 10 ft. is required), sideyard setback (8 ft. where 10 ft. is required), number of parking spaces (eight (8) spaces proposed where 10 spaces are required) & a waiver for width of curbcuts (two 25 ft. curb cuts where 20

ft. is permitted) to construct a quadraplex in an R-2 Zone for property located at Block 6.04, Lot 1, commonly known as 2 St. Demetrios Avenue.

Marcus Karavan, Esq. appeared on behalf of the Applicants & explained the nature of the application to the Board. Mr. Karavan advised that the property currently contains a triplex & a single-family dwelling. The Applicants are proposing to demolish these two (2) buildings & construct a quadraplex.

The Board was in receipt of the following documents which were incorporated as fact:

- Plan of Survey of Dante Guzzi Engineering, Associates dated October 18, 2016.
- A Minor Site Plan of Dante Guzzi Engineering, Associates last revised February 10, 2017.
- Building elevations, floor plans & technical elements of the proposed quadraplex created by the Design Collaborative last revised February 19, 2017.

Louis DeLosso, a Licensed Architect & Professional Planner with The Design Collaborative, appeared, was sworn & testified on behalf of the application. Mr. DeLosso testified from his plans prepared & submitted to the Board. Mr. Karavan marked as Exhibit A-1 a Power Point presentation which was submitted by Mr. DeLosso. Mr. DeLosso testified as to the two (2) existing structures on-site both of which are older obsolete structures constructed below base flood elevation (BFE). He noted that there are numerous existing nonconforming conditions with these two (2) buildings & there are only 1-1/2 parking spaces on the property. Mr. DeLosso testified as to the proposed development of the quadraplex on-site noting that the Applicants proposes eight (8) parking spaces on-site & in the garages proposed. He notes that the trash enclosures are to the rear of the building & the building will be serviced by an elevator. Each unit will have its own garage with one (1) parking space in the garage & one (1) parking space in front of the garage. Mr. DeLosso testified that the Applicants proposed to construct the building with a cedar-shake siding & there will be a sundeck on the top of the building for the exclusive use of the penthouse units.

Upon questioning from the Board, Mr. Petrella, Board Engineer, testified that the height of the building to the top of the parapet is 36 ft. & within the height limitations of the Land Development Ordinance (Ordinance). Mr. DeLosso testified that the proposed development will be a significant improvement from the existing conditions. He believes that special reasons exist for the granting of the Use Variance since the new building will be constructed above BFE, will remove numerous existing nonconforming conditions, will provide better accessibility to emergency management personnel, provides additional off street parking & will be more aesthetically pleasing thereby promoting a more desirable visual environment. Mr. DeLosso testified that he believes that the proposed development is compatible with the neighborhood and, as such, the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance. Upon questioning from the Board, Mr. DeLosso testified that the two (2) buildings on-site currently have eight (8) bedrooms & the new building will have 16 bedrooms. In addition, the existing structures on-site consist of approximately 2,500 sq. ft. of buildings whereby the new structure will be approximately 7,500 sq. ft.

Dante Guzzi, Licensed Engineer with Dante Guzzi Engineering, Assocs, appeared, was sworn & testified in support of the application. Mr. Guzzi testified as to the existing nonconforming conditions on-site & the variance relief requested. As to the frontyard setback variance, Mr. Guzzi noted that there

is a 10 ft. frontyard setback to the building & only the enclosed stairs encroach into the frontyard setback. As to the sideyard setback variance, Mr. Guzzi testified that there is a 10 ft. sideyard setback on the ground portion of the building, however, the 2<sup>nd</sup> & 3<sup>rd</sup> floors cantilever out & encroach two (2) ft. into the sideyard setback. Mr. Guzzi testified that the Applicants are requesting a waiver to permit two (2) 25 ft. wide curbcuts to access the building. He testified that these two (2) larger curbcuts facilitate the increased parking on-site. Testifying regarding the variance for number of parking spaces, Mr. Guzzi noted that the increased curbcuts do reduce on street parking; however, he believes that this is more than made up by the increase in the number of on-site parking spaces. Mr. Guzzi testified that he concurs with Mr. DeLosso testimony regarding the special reasons for the granting of the Use Variance and that 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. Petrella, Board Engineer, to which the Board was in receipt of a review memorandum of Mr. Petrella dated March 1, 2017 which was incorporated as fact. Ralph Petrella testified that the 1<sup>st</sup> floor showers cannot be tied into the sanitary sewer system & that the Applicants will require an appropriate drainage facility drainage system for that use. The Applicants agreed revise their plans accordingly.

Mr. Murphy, Board Planner, prepared a report memorandum, dated April 4, 2017, to which the Board was in receipt, and which was incorporated as fact.

Chairman Davis then opened the application for general public comment.

Victoria Rozaski of North Wildwood, NJ, appeared, was sworn & testified in favor of the application. In addition, a Valerie DeJoseph, appeared, was sworn & testified in favor of the application. With no further comment to be 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 R-2. The Applicant is the owner to the subject property and, as such, has standing to come before the Board requesting Use Variance/siteplan approval to develop multi-family structure requiring D-1 Use Variance for a use not permitted in the R-2 Zoning District to construct four (4) unit multi-family structures on the subject property. The Applicants propose to demolish two (2) existing structures on the subject property & construct a quadraplex on the property. The Applicants agreed to numerous other conditions of approval which will be set forth in the approving Resolution of 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 & 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). The purposes of the zoning law would be advanced by the proposed development, the Applicant has satisfied the requirements for Use Variance/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 Ms. DiEduardo & 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 seven (7) affirmative votes, the Use Variance/siteplan application was approved by the Board. Board members Mr. Auty, Mr. O'Connell & Mr. Peters were not required to vote on the application.

Board member Mr. Harkins had a conflict of interest on the foregoing application & removed himself from the Board dais & sat in the public section of the meeting room.

**Z-14-4-1(A) Joe DiMauro**

Block 184, Lots 1 & 14

505 New York Avenue

R-2 Zoning District

Minor siteplan approval, with Use Variance approval & several setback "c" variances

Joseph V. DiMauro residing at 64 Cooper Street, Woodbury, NJ has applied to the Board for preliminary & final amended siteplan approval to consolidate two (2) lots into one (1) lot & create a parking lot for a multi-family dwelling, together with a "D-2" Use Variance for the expansion of a nonconforming use (a multi-unit building in an R-2 Zone) & variances for frontyard setback (5.8 ft. proposed where 10 ft. is required), rearyard setback for an accessory structure (3.7 ft. proposed where 4 ft. is required), width of curbcut (29 ft. proposed where 20 ft. is permitted), variance relief to permit a concrete fence & parking on a crushed stone surface for property located at Block 184, Lots 1 & 14, commonly known as 505 New York Avenue.

Jeffrey Barnes, Esq. of the Barnes Law Firm, North Wildwood, NJ, appeared on behalf of the Applicant & explained the nature of the application to the Board.

Mr. Barnes advised that the Applicant is the owner of the subject properties the 1st of which contains a nine (9) unit/16 bedroom multi-family dwelling & the 2nd lot being vacant. Mr. Barnes advised that the Applicant is proposing to consolidate the two lots which will create an eight (8) parking space area for the multi-family dwelling which currently has no off street parking. Mr. Barnes advised that the subject property contains several existing nonconforming conditions including an approximate 1 ft. high concrete wall which encroaches into the City right of way of surrounding streets of the property.

The Board was in receipt of a Minor Site Plan of Dante Guzzi Engineering Associates last revised March 17, 2017 which is incorporated as fact.

Dante Guzzi, professional engineer, appeared, was sworn & testified on behalf of the application and from his Minor Site Plan. Mr. Guzzi testified that the Applicant is proposing to extend a concrete wall that currently exists around Lot 1, completely around the consolidated property to provide off-street parking for the multi-family unit. The Applicant is proposing to raise the grade of the parking lot between 6 & 12 in. so that stormwater run-off will be directed toward 6<sup>th</sup> Avenue. Mr. Guzzi advised that the Applicant is requesting variance relief to permit a 29 ft. wide curbcut into the parking lot to allow two-way traffic, while this will result in the loss of one (1) parking space on the street at this curbcut, the Applicant will be closing the curbcut to the west which will result in one (1) additional on street parking space. Mr. Guzzi testified that the Applicant is proposing a fully paved handicapped parking space at the southeast corner of the property. Addressing the concrete wall, Mr. Guzzi testified that it is approximately 16 in. high & they intend raise the wall so that the entire wall structure is at base flood elevation (BFE) six (6) feet. The Applicant proposes to have one (1) free standing light in the parking lot which will be shielded to ensure that it does not disturb neighbors. Mr. Guzzi testified that at the location of the current curbcut, the Applicant proposes to develop a patio area which will also extend into the street right of way. The Applicant agrees to the condition of approval that they will obtain appropriate licensing agreements or easements form the City for both the wall & the patio area. Upon questioning from the Board, Mr. Guzzi testified that the development may result in the loss of two (2) large trees which are located in the parking lot area. Since multi-family dwellings are not permitted in the R-2 Zone & the Applicant is increasing the size of the lot, the Applicant required "D-2" variance relief. Mr. Guzzi noted, however, that they are requesting no change to the existing building. Mr. Guzzi testified that he believes that there are several special reasons which are advanced by the proposed development. Specifically since off-street parking spaces are now being provided for the multi-family dwelling this promotes the public, health, safety & welfare. In addition, since the parking lot will be slightly raised that will protect property from flooding. Finally, he believes that the proposed development including the creation of the patio will promote desirable visual environment. Mr. Guzzi testified that since the building's currently exist & have been an asset to the community, that the property is clearly particularly suited for the proposed use & that 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.

Mr. Petrella, Board Engineer, to which the Board was in receipt of a review memorandum of Mr. Petrella dated April 5, 2017 which was incorporated as fact. Mr. Murphy, Board Planner, prepared a report memorandum, dated April 4, 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/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 R-2. The Applicant is the owner to the subject property and, as such, has standing to come before the Board requesting Use Variance/siteplan approval to develop a stone-filled parking lot requiring D-2 Use

Variance for a use not permitted in the R-2 Zoning District, while additionally expanding a non-conforming structure/lot (multi-family apartment structure) on the subject property which is located in an R-2 Zoning District. The Applicant has agreed to move the existing shed on the property so that same conforms with the Ordinance thereby removing the necessity of a variance for the accessory structure. The Applicant's experts testified that special reasons exist for the granting of the D-2 Use Variance, specifically, since the proposed development is compatible with the neighborhood's existing development & this promotes the public health, safety & welfare. The proposed parking lot, which meets all impervious coverage's and, that providing off street parking where none currently exist in an area which is heavily congested during the summer months will promote adequate light, air & open space & will create a desirable visual environment. 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. The purposes of the zoning law would be advanced by the proposed development, the Applicant has satisfied the requirements for Use Variance/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: Mr. Green & 2nd by Mr. Flynn. 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. Board members Mr. O'Connell & Mr. Peters were not required to vote on the application.

Upon conclusion of the applications, Councilman DelConte & Mr. Harkins returned to the Board dais to participate in the meeting.

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: – March 8, 2017 Regular meeting

The Board Solicitor presented to the Board the approval of March 8, 2017 Regular Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Board Secretary mentioned correction to Mr. O'Connell attendance. 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 & 2<sup>nd</sup> by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved. Mr. O'Connell abstained on the memorialization.

J) UNFINISHED BUSINESS: None presented.

K) COMMUNICATION(S):

**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.

The Board Chairman announced a pending Master Plan Re-Examination process to the Board to amend the Land Development Ordinance to reflect changing development condition/patterns of the City.

The Board passed forward to the Board Secretary for the holding till next month the Francisco application which was adjourned for this meeting.

L) REPORTS: None presented.

The Board motioned to adjourn the meeting after pending Closed Session discussion regarding possible pending/notification of lawsuit. The Board will end its meeting after the Closed Session discussion. Upon following motion, the Board entered into Closed Session at 9:00pm, on motioned by Mr. Green & 2nd by Mr. Harkins. Based on the affirmative roll-call vote of the Board members, the motion to adjourn & entered into Closed Session was approved.

The Board concluded Closed Session & adjourned at 9:47pm, on motioned by Vice Chair DiEduardo & 2nd by Mr. O'Connell. Based on the affirmative roll-call vote of the Board members, the motion end Closed Session and to adjourn was approved.

M) MEETING ADJOURNED:

Meeting was adjourned at 9:47pm, on motioned by Vice Chair DiEduardo & 2nd by Mr. O'Connell. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 5/11/17  
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.***