

North Wildwood Planning Board
Regular Meeting: August 8, 2018
6:30 p.m.

The regular meeting of the North Wildwood Planning Board (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	Present
Chief Matt Gallagher	Present	Mr. William Green	Present
Mr. John Harkins	Present	Councilman David Del Conte	Absent
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)	Present
		Mr. Robert L. Belasco (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	Present
		Eric Gundrum, (PB Secretary)	Present

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

E) 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.

F) MOTIONS FOR ADJOURNMENTS:

P-18-5-2 Children Fresh Air Home

Block 271, Lot 10
1100 Surf Avenue
R-1.5 Zoning District
Minor Subdivision Approval

This application was announced by the Board Secretary upon request of the Applicant, for adjournments to the August Board meeting. The Board Solicitor made the announcement that no further public notices(s) was required to notice this application for the August meeting. The application will be adjourned for the Board's September 12, 2018 meeting.

G) **MEMORIALIZATIONS:**

Z-18-5-4 - Joseph Mahoney

Block: 214, Lots: 1
101 East 7th Avenue, North Wildwood, NJ
CBD Zoning District
Conditional Use Variance/siteplan approval

The Board heard & considered the application of Joseph Mahoney with offices at 101 East 7th Avenue, owner of the property, a/k/a Block 214, Lot 1, seeking preliminary & final siteplan approval, a D(3) Conditional Use Variance in order to permit the construction of residential units above an existing commercial unit, 'C' variance relief with respect to the rearyard setback (15 ft. is required whereas 11ft. is proposed), parking stall length (9' x 18' is required whereas 9' x 17' is proposed), a variance to permit an open staircase along 6th Avenue as external open staircases are not permitted, and a design waiver with respect to the length of a proposed curbcut (20ft. is permitted whereas 25ft. is existing & 35 ft. is proposed), in order to construct a 3rd floor addition to an existing two-story commercial building to construct two (2) residential units which will encompass the 2nd & 3rd floors.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. The Major Subdivision Approval/Use Variance approval application of Joseph Mahoney is hereby approved for memorialized subject to the following terms & conditions of the Resolution of Approval. 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. Mr. Miller abstained on the vote to memorialize the Resolution. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board.

P-18-5-3 - Benjamin Masino

Block 222, Lot 6
119 East Walnut Avenue
R-1.5 Zoning District
Use/" d-6" Height Variance approval

The Board heard the application of Benjamin Masino, owner, residing at 119 E. Walnut Avenue, a/k/a Block 222, Lot 16, seeking a D(6) height variance (24ft. is permitted whereas 28ft. previously existed & 33.53ft. is currently existing & proposed), and 'C' variance relief to address pre-existing non-conforming

conditions for required lot frontage (40ft. is required whereas 24.33ft. is existing & proposed), lot width (40ft. is required whereas 24.33ft. is existing & proposed), lot area (4,000 SF is required whereas 2,433 SF is existing & proposed), sideyard setback (5ft. is required whereas 0ft. is existing & proposed), and total sideyard setback (10ft. is required whereas 8.16ft. is existing & proposed), in order to raise the existing single-family home & to construct a 454 FT² addition to the rear of the existing structure.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. The Use Variance/siteplan approval application of Benjamin Masino is hereby approved for memorialized subject to the following terms & conditions of the Resolution of Approval. Motioned by: Mr. Green & 2nd by Chief Gallagher. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Mr. Miller abstained on the vote to memorialize the Resolution. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board.

At this point in time, Chairman Davis permitted members of the public to speak regarding the Master Plan Re-Examination project that the Board is currently working on with a private Planning Consultant. Chairman Davis then opened the meeting for public comment which normally is scheduled for the "Communications" portion of the Agenda, for the convenience of the members of the public who came to speak about the subject.

H) COMMUNICATION(S):

DRAFT Master Plan Re-Examination document as prepared by consultant

The Board Solicitor requested each member of the public to state their name & address and to be sworn.

- A. Merlyn Hee, 202 Hereford Avenue, was placed under oath & was sworn in to testify before the Board. Ms. Hee was here to request a change of Zoning District from the IC Zoning District to R-2 Zoning District. Ms. Hee was previously informed here Zoning restricted her residence as a pre-existing non-conforming use. She is requesting the Board to consider the more appropriate Zoning District of R-2 Zoning District. Chairman Davis responded that the Board is in consideration of her request and will work toward the goal in the Master Plan process. While the change can not happen immediately, the Board is aware of the situation in regards to the Zoning District. The Board Secretary mentioned there are several properties in the same predicament in the neighborhood. Chairman Davis & the Board Solicitor replied that the Sub-Committee of the Master Plan is in favor of this request. The Board Solicitor informed Ms. Hee of the Master Plan process. Mr. Green question the reason why this change is being requested and Ms. Hee replied the home may be sold in the future and would be considered more valuable with a more favorable Zoning change.
- B. Lynn Purse, 11010 New Jersey Avenue, was placed under oath & was sworn in to testify before the Board. Ms. Purse is located in the CBD Zoning District and as a single-family home is considered a pre-existing non-conforming use. Residential properties are not a permitted use as a stand-alone property. Chairman Davis stated that the CBD Zoning District is designed for business use per se, while residential properties can exist, any additions would have to come to the Board for variance relief. Ms. Purse mention several businesses have closed or are vacant and the change to residential would be very beneficial to Ms. Purse's future expansion plans. Both Chairman Davis & the Board Solicitor mention the Board cannot re-zone Ms. Purse's property by-itself, that's called "spot zoning under the NJ Municipal Land Use Law. Ms. Purse mention the new single-family/duplexes that

were built, and it was explained that those developments were approved under the “conditional use parameters” of the Land Development Ordinance. The Board Solicitor mention that the Board is reluctant to change the CBD Zoning, however, Ms. Purse requested the Board consider the change to allow residential use. The Board Secretary mentioned the Board consider “efficiency apartments” as the same as “residential flats” are considered as a conditional use under the Ordinance. Chairman Davis replied & was reluctant to permit residential as a “permitted by right” use due to the potential of losing more business uses in the downtown. On an individual basis, the Board would consider each Use Variance request for residential. Mr. O’Connell also mentioned that efficiency apartment over any type of garage would also require variance. The Board Secretary re-iterated to Ms. Purse could expansion or development of her property could be accomplished by a Use Variance application to the Board.

No additional members of the public spoke regarding this topic. Chairman Davis then closed the public portion of the Agenda and return to the Order of the Agenda.

I) NEW BUSINESS:

P-18-5-2 Children Fresh Air Home

Block 271, Lot 10
1100 Surf Avenue
R-1.5 Zoning District
Minor Subdivision Approval

This application was announced by the Board Secretary upon request of the Applicant, for adjournments to the August Board meeting. The Board Solicitor made the announcement that no further public notices(s) was required to notice this application for the August meeting. The application will be adjourned for the Board’s September 12, 2018 meeting.

Z-18-4-2 Jerry Rosenberg

Block 274, Lot 9
320 E. 8th Avenue, North Wildwood, NJ
R-1 Zoning District
Use Variance – expansion of non-conforming use

The following application was presented before two (2) Board meetings; the June & August meetings.

The Board heard & considered the application of Jerry Rosenberg residing at 1446 Route 47, Woodbine, NJ, the contractor retained by the James & Fiorangela Hummel, Michael & Serenella Corsanico, and Frank & Maria Filippo, the owners of the property at Block 274, Lot 9, commonly known as 320 E. 8th Avenue (“Subject Property”), seeking a D(2) variance for the expansion of a non-conforming use, ‘C’ variance relief with respect to the minimum sideyard setback (eight (8) ft. is required whereas five (5)ft. is proposed) and to address a pre-existing non-conforming rearyard setback (10ft. is required whereas four (4) ft. is existing & proposed), in order to construct a 2nd floor addition to an existing rearyard accessory one-story dwelling located on site. The Board is in receipt of a siteplan and floor plans & elevations prepared by Joseph S. Benedetto, Architect, of Benedetto Associates, dated February 16, 2018, which are incorporated as fact.

The Applicant presented his application as a continuation of the Board hearing from the June 3, 2018. During the June Board hearing, after much Board & Applicant discussion & public discussion, the Applicant wished to confer with his client/owner of the property. The Board proposed a 15-minute recess while the Applicant conferred with his client. After the 15-minute recess the Applicant requested the Board's approval to table the application to the August 8, 2018 Board meeting. The Applicant expressively mentioned that revised plans would be forthcoming for the August Board meeting based on the discussion of the Board & comments of the public made at the June Board meeting. At the request of Mrs. Hummel, Mr. Rosenberg requested that the application be tabled until the August 8, 2018 Board Meeting in order to review & revise the submitted construction plans. In connection with this request Mr. Rosenberg waived any & all-time constraints placed upon the Board by the NJ Municipal Land Use Law (NJMLUL) & the City's Land Development Ordinance (Ordinance). It was acknowledged by the Board Solicitor that no additional notice was required in connection with the tabled Application. Accordingly, the Application was tabled until August 8, 2018.

The Applicant, Jerry Rosenberg, who is the potential future contractor for the proposed construction work, was self-represented in connection with this Application. Mr. Rosenberg was placed under oath & he was sworn in to testify before the Board. Mr. Rosenberg provided the Board with an overview of the application & outlined the relief sought in connection with same. James & Fiorangela Hummel ("the Hummels"), owners of the property were not present at the August Board meeting, despite the request of deferment of the application to the August Board meeting. Mr. Rosenberg informed the Board that the owners of the property were not in attendance as they were away on a pre-planned vacation. In addition, the expected revised plans that were agreed to at the June Board meeting, were not submitted, and the Applicant was going ahead with the original plans as submitted to the Board.

During the August Board meeting, the Board Solicitor raised the issue of Mr. Rosenberg's representation of the owners of the property in light of the fact that they were not present at the continued hearing. It was determined that Mr. Rosenberg's representation of the owners while they were not in attendance at the continued hearing constituted the unauthorized practice of law & additional testimony/evidence should not be allowed without the attendance of the owners of the property. Mr. Rosenberg testified that no additional evidence was going to be submitted & the Applicant was requesting that the Board act with respect to the relief sought in connection with the original Application & construction plans. Mr. Rosenberg informed the Board that revised plans were not submitted due to financial reasons, & the Applicants were requesting that the Board grant or deny the relief outlined within the original Application. Thereafter, it was determined that an individual by the name of Ms. Serenella Corsanico, an owner of the subject property, was in fact in attendance at the meeting. Ms. Corsanico was placed under oath & was sworn in to testify before the Board. Ms. Corsanico testified that no modifications were made to the plans & the owners were requesting that the Board act with respect to the application based upon the evidence & testimony submitted at the June 13, 2018 Board hearing.

During the June Board meeting, most of the original testimony was provided by Mr. Rosenberg and as such, testified that James & Fiorangela Hummel ("the Hummels"), with the consent of their family members, are seeking to construct a 2nd floor addition to an existing detached rearward dwelling. Two (2) dwellings exist on the property, subject to the Use Variance request. Mr. Rosenberg testified that the Hummels are seeking a Use variance for the expansion of non-conforming use, a rearward setback variance & a sideyard setback variance. Mr. Rosenberg testified that the proposed addition would only expand the non-conforming use, but would not alter the current use of the structure. Mr. Rosenberg informed the Board that the structure is currently utilized as a summer residence. Mr. Rosenberg testified that the Hummels intend to become year-

round residents of North Wildwood & that the proposed addition would provide additional living space & storage on site. Mr. Rosenberg further testified that no additional bedrooms are proposed in connection with the project. He indicated that a proposed stairwell would eliminate an existing bedroom located on the 1st floor of the dwelling which would be relocated within the proposed 2nd floor addition. Mr. Rosenberg testified that there is adequate parking located on site, and no additional parking is required in light of the fact that there will not be an increase in the number of bedrooms located on site. Mr. Rosenberg testified that the New Jersey Residential Site Improvement Standards (RSIS) provides that additional parking is only required if the proposed construction sought to add additional bedrooms. Mr. Rosenberg testified that the proposed 2nd floor addition will consist of a home office, a bedroom & additional living space. Mr. Rosenberg further testified that the home office will be utilized as a private personal office that will not service the general public or a specific business. Mr. Rosenberg testified that the proposed addition will meet current building & fire code regulations which will promote public safety & the general welfare. Mr. Rosenberg testified that a six (6) foot glass slider & ample window placement within the proposed 2nd floor addition will promote adequate light, air & open space. Mr. Rosenberger indicated that the creative design of the proposed addition will eliminate the non-conforming western sideyard setback & will modernize the 1st floor structure which would promote a desirable visual environment. Mr. Rosenberg testified that a rearyard setback variance is sought in order to allow for ample additional living & storage space. Mr. Rosenberg opined that the owner would suffer a hardship in the event the relief sought in connection with this application is denied as the current living space provided within the structure does not meet the needs of a year-round resident. Mr. Rosenberg opined that the proposed construction would not create a substantial detriment to the public good & he indicated that the application does not substantially impair the intent & purpose of the Zoning Map & Ordinance as the non-conforming structure located on site will be maintained in the same manner that as it is currently utilized. Mr. Rosenberg testified that the proposed construction will add value & beauty to the property itself & to the City as a whole.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated May 30, 2018 which was received by the Board & incorporated as fact. Mr. Petrella discussed the proposed 2nd floor office space & recommended that the Board, as a condition of approval, require that the office space will only be used as a personal office & will not be converted into a bedroom. Based upon concerns expressed by the Board, the Applicant agreed that as a condition of approval the personal office would be utilized exclusively as an office & will not be converted into a 3rd bedroom. Mr. Petrella reviewed the variance relief required in connection with the application for the benefit of the Board. Mr. Petrella indicated that a sideyard setback variance is required as a five (5) ft. sideyard setback is proposed whereas a minimum eight (8) ft. sideyard setback is required pursuant to the City's Ordinance. Mr. Petrella also advised the Board that the Applicant requires a variance for the rearyard setback as four (4) ft. is existing & proposed whereas a minimum rearyard setback of 10ft. is required pursuant to the City's Ordinance. Mr. Petrella informed the Board that a D(2) variance for the expansion of a non-conforming use was also required in connection with the application as the City's Ordinance does not permit two (2) principal uses on one site. In light of the proposed addition a variance for the expansion of the non-conforming use is required.

Board Member Mr. Green questioned the height of the structure in connection with the proposed 2nd floor addition. In response Mr. Rosenberg testified that the height is below the maximum permitted height of 36ft. It should be noted that the height is proposed to be 31ft. 7.25inches. As a condition of approval, the Applicant agreed that the building height would not exceed 36ft. in the event raising the property is deemed to be required. The Applicant also agreed as a condition of approval to submit revised plans which clearly notes the proposed height of 31ft. 7.25 inches from base flood elevation.

Mr. Petrella informed the Applicant that the structure may need to be raised in the event the cost of the improvements exceeds 50% of the assessed value of the property. Mr. Rosenberg testified that the cost of the improvements will not exceed 50% of the assessed value of the property.

Board Member O'Connell expressed concerns related to the Applicant's indication that the denial of this application would create a hardship on the applicant. He indicated that the structure itself is pre-existing & non-conforming, & the Applicant is seeking to exacerbate that situation which does not create a hardship for the Applicant.

In response to a question posed by Board Member Mr. Flynn, Mr. Rosenberg testified that no more than two (2) bedrooms will be located within the structure. One (1) bedroom & bathroom will be located on the 1st floor, and a bedroom, bathroom, living room & office are proposed on the 2nd floor. In response to questions posed by the Board related to parking, Mr. Rosenberg testified that two (2) driveways currently service the property which provide ample off-street parking to service the needs of the owners. He indicated that the parking spaces would not be allocated between the owners of the property & would instead be utilized on a "1st come 1st serve basis."

The owners of the property, Fiorangela & James Hummel, during the June Board meeting, were placed under oath & were both sworn in to testify before the Board. Mrs. Hummel testified that the personal office will be utilized strictly as an office and she confirmed that it will not be converted into a 3rd bedroom. Mrs. Hummel advised the Board that the residence has historically been utilized as a summer home. She indicated that her husband recently retired in May of 2018 & she has plans to retire in October of 2018. She further indicated that their intentions are to relocate to the City on a full-time basis. Mr. Hummel testified that the family is downsizing from a five (5) bedroom home & he confirmed that the intention is to become full-time residents of the City. He further advised the Board that the property was purchased in conjunction with other family members in 1999. In response to additional questions posed by Board Members concerning parking, Mr. Hummel testified that four (4) off-street parking spaces are currently provided on-site; however, the site can accommodate a total of six (6) off-street parking spaces. Mr. Hummel advised the Board that all of the owners of the property are family & historically parking has never presented an issue.

Chairman Davis then opened the application for public comment during the June Board meeting. Four (4) members of the public addressed the Board in connection with the application:

- a. George Miller, owner of the property located at 319 E. 9th Avenue, was placed under oath & was sworn in to testify before the Board. Mr. Miller informed the Board that he was opposed to the relief sought in connection with the Application. Mr. Miller expressed concerns relative to the proposed rearward setback & the proximity of the structure to his property. Mr. Miller testified that he is not opposed to the pre-existing non-conforming use, but he is opposed to exacerbating said use by increasing and/or expanding same. Mr. Miller further informed the Board that he had concerns with respect to privacy as the windows in the proposed 2nd floor addition directly overlooks neighboring properties.
- b. Edward Beedle, owner of the property located at 312 E. 8th Avenue, was placed under oath & was sworn in to testify before the Board. Mr. Beedle was generally opposed to the relief sought in connection with the Application. Mr. Beedle testified that he was concerned about the proximity of the proposed 2nd floor addition to his rearward deck. Mr. Beedle testified that the proposed 2nd floor addition will negatively affect his light, air & open space.

- c. Deborah O'Connor, owner of the property located at 317 E. 8th Avenue, was placed under oath & was sworn in to testify before the Board. Ms. O'Connor expressed her opposition to the Application. Ms. O'Connor testified that she has significant concerns related to the rearyard setback in relation to the property line between the property & her home. Ms. O'Connor testified that she is concerned that the proposed 2nd floor addition will impact the amount of light she enjoys in her backyard.
- d. Dave Cloewser, owner of the property located at 312 E. 8th Avenue, was placed under oath & was sworn in to testify before the Board. Mr. Cloewser expressed opposition to the relief sought in connection with the Application. Mr. Cloewser expressed privacy concerns related to the proposed vertical expansion of the non-conforming use. Mr. Cloewser testified that the proposed 2nd floor addition will limit his ability to enjoy his property, specifically his backyard.

No additional members of the public spoke out in favor or against the application. Chairman Davis then closed the public portion of the application during the June Board meeting.

During the August Board meeting, Chairman Davis opened the application for public comment. No members of the public came forward to testify. No comment was offered. Chairman Davis closed the public portion of the application.

At the conclusion of the public portion of this application during the August Board meeting, Mr. Rosenberg summarized the Application for the benefit of the Board, and he advised the Board that the proposed windows within the 2nd floor addition do not overlook the deck & rearyards of neighboring properties as they are located closer to 9th Avenue.

The Board, after hearing the testimony & reviewing the application and evidence submitted, made the following findings of fact & conclusions of law. The Board members then discussed & summarized the 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. It should be noted that the application was initially heard by the Board on June 13, 2018. At the request of the Applicant the application was tabled at the June 13, 2018 meeting until the August 8, 2018 Board meeting. The Applicant was self-represented in connection this application. The Zoning District is R-1. The Applicant proposes to expand a pre-existing non-conforming rear one-story dwelling by constructing a 2nd floor addition to the existing structure. In light of the fact that two (2) principal uses currently exist on site, which is not permitted in the R-1 Zoning District, the proposed expansion requires a "D(2)" Use Variance in connection with the proposed expansion of a non-conforming use. The Applicant is also seeking "C" variance relief in order to address the pre-existing non-conforming rearyard setback which currently measures 4ft. whereas 10 ft. is required, and "C" variance relief in order to address the sideyard setback which is proposed to measure 5ft. whereas 8ft. is required. The Applicant is the owner of the subject property and has standing to come before the Board to request a "D(2)" Use variance, 'C' variance relief & design waiver(s) with respect to the proposed siteplan. During deliberations Board Members recognized the concerns raised by the members of the public. Board Members questioned the proposed rearyard & sideyard setbacks in relation to the proposed expansion of the pre-existing non-conforming use. The Board found that the Applicant failed to establish that the granting of variance relief would relieve peculiar & practical difficulties or exceptional and undue hardship resulting from the strict application of the Ordinance. The Board further found that the Applicant failed to establish that granting the requested variance relief would advance the

purposes of Zoning, and the Applicant failed to establish that the benefits of the deviation from the strict application of the Ordinance would substantially outweigh any potential detriments. The Board further found that the proposed project would present a substantial detriment to the public good, to the City's Land Development Ordinance & to the City's Zoning Map. The Board collectively during Findings of Fact was in favor of disapproval of the application. No additions or correction to the Finding of Facts. No discussion on the facts. This Finding of Fact is intended to memorialize the foregoing findings & conclusions made by the Board during its August 8, 2018 regularly scheduled meeting for this application.

The Board Solicitor called for a motion to approve the application as discussed, the Use Variance/siteplan application of Jerry Rosenberg. 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 negative (voting "no"), the Use Variance/siteplan application of Jerry Rosenberg was denied/disapproved by the Board. Mr. Miller & Ms. Haas abstained on the vote on the application.

Under New Business, several questions were raised regarding the afore-mentioned applications.

Mr. O'Connell mentioned the aspect of the applicant who is not the owner on the application form, the Board Solicitor & Board Secretary mentioned that the Review Committee deemed completed the application as such, and a "Consent of Owner" was filed with the submission of the application. The Board Solicitor also mention with one of the possible owners of the property attending the meeting, the application was proper in going forward to be heard by the Board.

Mr. O'Connell also mentioned the Children's Fresh Air Home extension request. Was it proper or is there a limit of the number postponements that can be made? Members of the public attended the meeting in good faith, but with the postponements, the members of the public were being discouraged of the last-minute postponements. The Board collectively mentioned their "anguish" in the existing condition and state of condition of the Children's Fresh Air Home. The Board mentioned they have heard neighbor's complaints. The Board also mention a corporate resolution should be provided that would be evidence the submission of the application for subdivision.

Mr. Green compliment Mr. Greenland on his duty of completing the Findings of Fact.

J) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. No further 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.

J) APPROVAL OF MINUTES: –

The Board Secretary presented to the Board the approval of July 11, 2018 Meeting minutes. The Board Secretary called for any discussion or corrections to the minutes. No further discussion to the minutes. Motioned as proposed by Mr. Green & 2nd 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.

K) UNFINISHED BUSINESS: None presented.

L) COMMUNICATION(S):

DRAFT Master Plan Re-Examination document as prepared by consultant

The Board Solicitor gave a brief update on the status of the Master Plan Re-Examination. A meeting with the Administrative Committee of the City was held with the Master Plan Planning Consultant who was given an opportunity to complete the contracted task. The Board Solicitor has sent a letter to the Planning Consultant with requested revisions. The Planning Consultant has delivered a new draft for the Board's review & recommendation. A Sub-Committee meeting was held to review the draft Master Plan document revisions. The September meeting will be used to review the Master Plan draft among the Board and tentatively schedule the October meeting for the public hearing & adoption. The Board Chairman express his desire to conclude this task.

Mr. Flynn questioned whether the City has a professional planner. The Board Solicitor mentioned the Planning Consultant is a professional planner for the Master Plan project. Vice-Chair DiEduardo mentioned that the City has an approved list to call on if a professional planner is needed. Mr. Green also question the selection of Planning Consultant from out of the area & was explain by Chairman Davis how the selection was made. Mr. Green also mentioned that the Master Plan Re-Examination has to be careful to change the CBD Zoning District in allowing more residential use in the business zone. Chairman Davis mentioned the only gas-fueling station is Wawa, with almost four (4) other gas stations being present 20-years ago. The Board is grappling with the potential of allowing residential units while sacrificing commercial use. Mr. Green stressed the change of zoning that the Board heard tonight from a public member. The Board Solicitor mentioned other municipalities concept of affordable housing concept does allow residential/apartments in the business zone. Innovative concepts for providing the opportunity for affordable housing will be discuss in the future. The question before the Board is how to provide equitable use of uses.

The Board & Chairman Davis mentioned in brief the Marina Bay Tower's Builder's Remedy lawsuit and some of the initial concepts in satisfying the Court in the obligation of affordable housing under the State's mandate. The Board Solicitor also described the Court's process in the Builder's Remedy lawsuit. Mr. Flynn questioned some of the concepts that the City may provide in satisfying the obligation. There is a myriad of "hurdles" in the Marina Bay Tower case/"plan" that needs to be overcome. Some of the history of the Builder's Remedy lawsuit was discussed & revisited. A discussion regarding affordable housing between Mr. O'Connell, Board Engineer, Chairman Davis & Board Solicitor commenced as to possible "solutions," none of which were agreeable among the Board members. The concept of available jobs & transportation does hinder the location of affordable housing units in the city. Population decline was also mentioned in the task of finding a solution.

The Board then discussed the current status of schools in the region.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:00pm, on motioned by Mr. Harkins & 2nd by Mr. Miller. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 8/24/18
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.

