

North Wildwood Planning Board
Regular Meeting: February 12, 2020
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	Present
Mr. George Greenland	Present	Mr. James M. Flynn	Absent
Mr. Bill Auty (Alt. 1)	Absent	Mr. Bill O'Connell (Alt. 2)	Absent
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:

Application No. Z-19-12-1 - Nicholas & Roseann Amorates

312 E. 24th Avenue

Block 258, Lot 4

MC Zoning District

D(2) Use Variance siteplan approval for the expansion of a non-conforming use as the property contains two (2) principal uses, and 'c' variance approval for minimum lot area, minimum lot frontage/width, frontyard setback, sideyard setback & off-street parking

The Board Secretary & the Board Solicitor announced adjournment of the above referenced application by written request of the Applicant's agent. Notice requesting adjournment was received in a timely manner before the Board hearing. The request for adjournment also provided for time limit waiver under the NJ Municipal Land Use Law {NJ-MLUL}{NJSA 40:55D-1 et. seq.} & the Ordinance (Chap. 276-1 et. seq.). The Board Solicitor announced to the public that this application will be adjourned to the March 11th meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

G) MEMORIALIZATIONS:

Application No. Z-17-8-1(A) - Richard Kaye

Block 150, Lot 2

809 Beach Creek

R-2 Zoning District

Extension of preliminary & final approval – 1 year

The Board heard & considered the application of Richard Kaye (hereinafter "Applicant"), owner of the property located at 809 Beach Creek - Unit 2B, a/k/a Block 150, Lot 2, seeking a one (1) year extension of prior approvals, specifically preliminary & final site plan approval, a D-1 Use Variance, 'C' variance relief in relation to the distance between structures, and a waiver to construct a crushed stone parking area, which were granted by the Board on December 13, 2017, & memorialized within Resolution Z-17-8-1(A) on January 17, 2018. The property is located in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution 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. Mr. Miller & Councilman DelConte abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Application No. P-19-11-3 - Linda Karcher

Block 156, Lot 6

216 West 2nd Avenue

R-2 Zoning District

Condition Use/Siteplan approval – construction of single-family/semi-detached (duplex) dwelling

The Board heard & considered the application of Linda Karcher ("Applicant"), owner of the property located at 216 West 2nd Avenue, a/k/a Block 156, Lot 6, seeking Conditional Use approval in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the approval Resolution as discussed. The Condition Use/Siteplan approval of Linda Karcher is hereby approved for memorialized subject to the Resolution. Motioned by: Vice Chair DiEduardo & 2nd by Mr. Green. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no additional corrections, additions or comments to the motion. Ms. Haas 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.

H) NEW BUSINESS:

Application No. P-19-11-6 - John & Lauren Sarge

210 West Chestnut Avenue

Block 158, Lot 9

R-2 Zoning District

'c' variance relief/Siteplan in order to raise the existing structure, to construct
2nd floor addition & new exterior decks

The Board heard & considered the application of John and Lauren Sarge, residing at 1610 McNelis Drive, Southampton, PA, owners of the property located at 210 W. Chestnut Avenue, a/k/a Block 158, Lot 9, seeking 'C' variance relief in relation to minimum lot area (4,000SF is required whereas 2,500SF is existing & proposed), minimum lot frontage/width (40ft. is required whereas 25ft. is existing & proposed), minimum sideyard setback (4ft. is required whereas 1.6ft. & 2.33ft. are proposed), and total sideyard setback (10ft. is required whereas 4.4ft. is proposed), in order to raise the existing structure to meet base flood elevation (BFE) & to construct a 629SF 2nd floor addition & a new front porch.

Michael J. Lario, Jr., Esq. of the law offices of Nehmad, Perillo, Davis & Goldstein, P.C. located in Egg Harbor Township, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Lario advised the Board that the Applicant is seeking approval to raise the existing structure to meet BFE & to construct a 629SF 2nd floor addition to provide the Applicant with additional living space. He indicated that the Applicant is also proposing to construct a front porch. Mr. Lario indicated that the Applicant is requesting lot dimension variances, many of which are related to pre-existing non-conforming conditions which are related to the fact that the lot in question is undersized. He further indicated that parking variance was also requested as 2.5 off-street parking spaces are required whereas zero (0) off-street parking spaces exist & two (2) are proposed. Mr. Lario advised the Board that the NJ Residential Site Improvement Standards (RSIS) permit the Board to round the required 2.5 off-street parking spaces down to two (2) off-street parking spaces, & he requested that the Board consider doing so. Mr. Lario introduced John Sarge, the owner of the property, who was placed under oath & sworn in to testify before the Board.

Mr. Sarge testified that he resides full-time in Bucks County, PA & he informed the Board that he purchased the property in April of 2017. He indicated that his family utilizes the Property as a summer home. Mr. Sarge further testified that the property is occupied exclusively by his family & the property is not rented to 3rd parties. He indicated that he is seeking Board approval to raise the existing structure to meet BFE in order to safeguard same from future flooding events. He further stated that he is seeking approval to construct a 2nd-floor addition in order to provide additional living space, specifically two (2) bedrooms, within the dwelling.

Pamela Fine, RA, a registered architect with Fine Architecture, PC, appeared on behalf the Applicant. Ms. Fine was accepted by the Board as an expert in the field of architecture & she was placed under oath & testified from the proposed floor plans & elevations, dated September 4, 2019, revised September 13, 2019,

which were received by the Board & which are incorporated herein as fact. Ms. Fine testified that the property is currently developed with a 1-story single-family dwelling which provides no off-street parking. She noted that the 1st floor of the existing structure is located below BFE. She indicated that the existing structure contains two (2) bedrooms, a living room, a kitchen, one bathroom, & a family room. Ms. Fine noted that an existing shed is also located in the rearyard. Ms. Fine advised the Board that the Applicant is proposing to raise the existing dwelling to meet BFE, and they are also proposing a second-floor addition to provide additional living space. She noted that two (2) off-street parking spaces will be provided, one (1) within a newly proposed garage and the other directly in front of said garage. Ms. Fine identified and reviewed the variance relief sought by the Applicant for the benefit of the Board, more specifically the Applicant is seeking 'C' variance relief in relation to:

- a. minimum lot area (4,000SF is required whereas 2,500SF is existing & proposed);
- b. minimum lot frontage/width (40ft. is required whereas 25ft. is existing & proposed);
- c. minimum sideyard setback (4ft. is required whereas 1.6ft. and 2.33ft. are proposed);
- d. total sideyard setback (10ft. is required whereas 4.4ft. is proposed).

Ms. Fine reviewed the proposed siteplan for the benefit of the Board, noting that a covered front porch is proposed with steps providing access to the 1st habitable floor. She further indicated that the new 1st floor will provide a kitchen, dining room, family room, one bathroom, & one bedroom. The newly proposed 2nd floor will provide three (3) bedrooms, two (2) bathrooms, and front & rearyard decks. Ms. Fine testified that the proposed addition will be constructed within the buildings existing footprint & the existing sideyard setbacks will be maintained. Ms. Fine advised the Board that the structure will be relocated closer to Chestnut Avenue, but the structure will not encroach into the required frontyard setback. Ms. Fine reviewed the proposed building elevations for the benefit of the Board, noting that the proposed building height measures 24ft. & the roof will comply with the City's required 5/12 roof pitch. Ms. Fine testified that the variances associated with minimum lot area, minimum lot frontage/width are required to address pre-existing non-conforming conditions which directly relate to the undersized lot. With respect to off-street parking, Ms. Fine testified that currently there are no legal off-street parking spaces provided on-site as the existing space measures 15.5ft. x 9ft. whereas 18ft. x 9ft. is required. Ms. Fine further testified that the Applicant is proposing two (2) legal off-street parking spaces on site. Ms. Fine opined that the exceptional narrowness of the lot & the fact that same is undersized creates a hardship which limits the Applicant's ability to comply with the area & bulk requirements of the R-2 Zoning District as the property is developed & there is limited space to accommodate any expansion. Ms. Fine further opined that, in addition to the alleged hardship, several of the purposes of zoning outlined within N.J.S.A. 40:55D-2 are advanced in connection with this application as it;

- b. Secures safety from fire, flood, panic & other natural and man-made disasters as the structure will exceed BFE & comply with current construction & fire codes;
- c. Provides adequate light, air & open space as the structure is below maximum permitted building height; and
- i. It promotes a desirable visual environment through creative development techniques & good civic design & arrangement as the proposed renovations are aesthetically pleasing & consistent with the surrounding neighborhood.

Ms. Fine testified that in her professional opinion the benefits of approving this application substantially outweigh any potential detriments. She further opined that the relief sought by the Applicant can be granted by the Board as there is no substantial detriment to the zoning ordinance, Zoning Map or the public good.

In response to a question posed by the Board in relation to off-street parking, Ms. Fine testified that three (3) bedrooms are proposed on the 2nd floor of the structure & one on the 1st floor, for a total of four (4) bedrooms on site, which requires a total of 2.5 off-street parking spaces. The Board recognized that the NJ

RSIS Residential Site Improvement Standards (RSIS) permits the Board to round a half space down resulting the need for two (2) off-street parking spaces rather 2.5 off-street parking spaces. After deliberation, the Board unanimously agreed to reduce the required number of off-street parking spaces to two (2), thus eliminating the need for a parking variance.

Mr. Sarge testified that two (2) bedrooms currently exist on site whereas four (4) bedrooms are proposed. He further testified that only his family will occupy & use the property, and the additional bedroom space will simply provide them with more living space to accommodate the same number of people.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated January 31, 2020 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board. The Applicant advised the Board that there was no objection to complying with the requirements of Mr. Petrella's review memorandum. As a condition of approval, the Applicant will not tie the outdoor shower drains into the sanitary sewer line.

Chairman Davis then opened the application for general public comment. One member of the public addressed the Board in connection with the application:

Eleanor Van Note, owner of the property located at 226 W. Chestnut Avenue, and Ms. Van Note's son-in-law, David Zeiss, appeared & they were placed under oath to testify before the Board. Mr. Zeiss testified that he had concerns related to lot & building coverage and the over development of the property. Ms. Van Note & Mr. Zeiss were advised that the property will not exceed permitted lot & building coverage. Mr. Zeiss further testified that he was concerned about the impact that additional bedrooms would have on parking in the surrounding neighborhood.

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.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the 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 Board finds that the variances associated with lot area, lot frontage/width are required in order to address pre-existing non-conforming conditions which the Applicant is not proposing to increase or exacerbate in connection with this Application. The Applicant also requires 'C' variance relief in relation to the minimum sideyard setback in connection with the proposed frontyard porch. The Board received testimony from the Applicant, John Sarge, who reviewed the history of the property & outlined the nature of the Application for the benefit of the Board. The Board found Mr. Sarge's testimony to be credible & persuasive. Pamela Fine, R.A., appeared on behalf of the Applicant & was recognized as an expert in the field of architecture. Ms. Fine testified from the proposed floor plans & elevations and she reviewed the relief sought by the Applicant for the benefit of the Board. Ms. Fine opined that the Applicant is experiencing a hardship in relation to the fact that the property is an undersized lot. The Board found Ms. Fine's testimony to be credible & persuasive. The Board finds that a hardship exists with respect to this Applicant due to the fact that the existing structure is located on an undersized lot which impacts the Applicant's ability to comply with the area & bulk requirements within the R-2 Zoning District. The purposes of zoning law would be advanced by the proposed development in approval of the application. The Board finds that the Applicant has satisfied the requirements for seeking 'c' variance relief siteplan approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial

detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the Resolution 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 was approved by the Board.

Application No. P-19-12-3 - Sundaralingam Rengaswamy & Sree Renga Devi Krishnappa
425-427 E. 21st Avenue
Block 293, Lot 17 & 18
OS Zoning District
Preliminary & Final siteplan approval with 'c' variance relief in relation
to maximum permitted building height to construct new tri-plex residence

The Board heard & considered the application of Sundaralingam Rengaswamy & Sree Renga Devi Krishnappa, residing at 1477 Stock Grande Road, Downingtown, PA, owners of the property located at 425-427 E. 21st Avenue, a/k/a Block 293, Lots 17 & 18, seeking preliminary & final site plan approval, 'C' variance relief in relation to maximum building height (36ft. is permitted whereas 39.46ft. is proposed), and waivers in connection with maximum curb cut width (20ft. is permitted whereas 24ft. is proposed), and total raised curb requirements (50ft. is required whereas 43ft. is proposed), in order to construct a triplex dwelling unit;

Ronald J. Stagliano, Esq. appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Stagliano advised the Board that the Applicant is the owner of the property which consists of two (2) individual lots, lots 17 & 18, both of which are currently developed with single-family dwellings within the City's Oceanside (O/S) Zoning District. The combined parcel measures 100' x 100' (10,000SF). Mr. Stagliano informed the Board that the Applicant is proposing to demolish the existing single-family dwellings in order to construct a triplex which will be utilized as rentals. As a condition of approval, the Applicant will prepare & file a Deed of Consolidation combining lots 17 & 18, subject to the review & approval of the Board Solicitor. Mr. Stagliano indicated that the Applicant is requesting preliminary & final site plan approval, a 'c' variance in relation to maximum building height, and waivers associated with curbing requirements. Mr. Stagliano indicated that the property is located within two (2) different flood zones which mandates that the Applicant to adhere to the more restrictive zone's requirements. In order to comply with the required base flood elevation (BFE) while still maintaining adequate living space, the Applicant is requesting approval to construct a 39.46ft. tall building whereas only 36ft. is permitted. Mr. Stagliano stated that the Applicant is also seeking a parking variance as nine (9) off-street parking spaces are required whereas only eight (8) off-street parking spaces are proposed. He advised the Board that depressed curb currently exists along 21st Avenue which the Applicant intends to replace with raised curbing which will result in the creation of one (1) on-street parking space, and the Applicant requested that the on-street parking space be counted towards their off-street parking requirements. The Board deliberated and agreed to permit the Applicant to count one (1) on-street parking space towards their required off-street parking thereby eliminating the need for a parking variance. Mr. Stagliano further indicated that the Engineer's Report identified a potential variance in connection with the requirements of City Ordinance 276-20.1(F)(7), Special Standards for Residential Buildings, which the Applicant will comply with. As a condition of approval, the Applicant will comply with the special standards for residential buildings outlined within City Ordinance 276-20.1(F)(7), and the Applicant will submit revised plans to the Construction Office depicting compliance with the requirements outlined therein.

Joseph Garramone, RA, a registered architect with Garramone Architects, LLC, appeared on behalf the Applicant. Mr. Garramone was accepted by the Board as an expert in the field of architecture, and he was placed under oath & testified from the proposed floor plans & building elevations, consisting of two (2) sheets, dated December 6, 2019, which were received by the Board & which are incorporated herein as fact.

Brian J. Murphy, P.E., P.P. of M.V. Engineering, LLC was also present at the meeting on behalf of the Applicant. Mr. Murphy was accepted by the Board as an expert in the fields of engineering & planning and he was sworn in to testify with respect to the proposed site plan submitted to the Board consisting of two (2) sheets, dated December 8, 2019, revised January 9, 2020, which was received by the Board & which is incorporated herein as fact. Mr. Murphy reviewed the existing & proposed site plans & conditions for the benefit of the Board. Mr. Murphy testified that the property is comprised of two (2) separate lots, both of which are currently developed with single-family dwellings. He confirmed that the Applicant intends to demolish the existing structures in order to construct a triplex dwelling unit on site with a pool located in the rear yard. He indicated that significant landscaping is proposed on site. As a condition of approval, the Applicant will submit a detailed landscaping plan that complies with the City's Ordinance with an irrigation system & french drains for the proposed outdoor showers, subject to the review & approval of the Board Engineer. Mr. Murphy indicated that with the exception of the proposed building height, the triplex will comply with all of the area & bulk requirements of the O/S Zoning District. Mr. Murphy testified that eight (8) off-street parking spaces are proposed in connection with the triplex. He indicated that each unit will provide one (1) off-street parking space within its garage, two (2) off-street parking spaces will be provided in front of the garages for each of the end units, and one (1) off-street parking space will be located in front of the middle unit's garage. He also noted that the Applicant's proposal will replace the existing depressed curb located along 21st Avenue with raised curb, resulting in the creation of one (1) on-street parking space. Mr. Murphy opined that the relief sought by the Applicant can be granted by the Board as the proposed development advances several of the special purposes of zoning as set forth within N.J.S.A. 40:55D-2, namely:

- a. The project will secure safety from fire, flood, panic & other natural & man-made disasters as it will be elevated to comply with base flood elevation;
- b. The project will provide adequate light, air, & open space as it meets and/or exceeds required setbacks;
- e. The project promotes the establishment of appropriate population densities & concentrations that will contribute to the well-being of persons, neighborhoods, communities & regions and preservation of the environment;
- i. The project will promote a desirable visual environment through creative development techniques and good civic design & arrangement as two (2) smaller single-family dwellings will be replaced with new, aesthetically pleasing triplex which will comply with current construction & fire codes; and
- n. The project promotes utilization of renewable energy resources as efficient appliances, LED lighting & modern insulation will improve the properties efficiency.

Mr. Murphy further testified that the site currently has 100% lot coverage which the Applicant will reduce to 75%, and he reiterated that off-street parking is being added to the site. Mr. Murphy advised the Board that the proposed triplex is consistent with the surrounding neighborhood as there are several multi-family dwellings which have been constructed over the years within the neighborhood. Mr. Murphy further opined that the application can be granted as there is no substantial detriment to the public good & the application does not substantially impair the intent & purpose of the Zoning Map & Ordinance as the proposed development is consistent with the surrounding neighborhood & the proposed triplex use is a permitted use within the O/S Zoning District. Mr. Murphy testified that the Applicant is also requesting waivers in relation to maximum curbcut width as 20ft. is permitted whereas 24ft. is proposed & total raised curb requirements as 50ft.

is required whereas 43ft. is proposed. He indicated that the proposed curbcut has a flare & is proposed to accommodate two (2) units which necessitated a wider curbcut. He further indicated that no raised curb currently exists onsite & the Applicant is proposing to significantly improve this condition. He opined that the requested waivers were reasonable & appropriate in light of the conditions which currently exist on site vs. what's being proposed.

Mr. Garramone testified that the property is located within two (2) flood zones & the Applicant is required to comply with the more restrictive requirements of the Coastal A Flood Zone which establishes the BFE at 11ft. as opposed to 9ft. He indicated that with the requirement that two (2) feet of freeboard be added, the Applicant ends up losing 2ft. of building height that it could otherwise utilize due to the more restrictive requirements of the Coastal A Flood Zone. Mr. Garramone further testified that in order to provide adequate living space & maintain the required 5/12 roof pitch, the building was designed to exceed maximum permitted building height by 3.46ft. from BFE. Mr. Garramone reviewed the proposed floor plans & building elevations for the benefit of the Board. He confirmed that the Applicant will comply with the special standards for residential buildings outlined within City Ordinance 276-20.1(F)(7), and revised plans will be submitted evidencing compliance with same. Mr. Garramone testified that each unit will contain five (5) bedrooms & an elevator which services all three (3) floors. Mr. Garramone advised the Board that a small deck, as depicted on the plans, is proposed in the rear of each unit. He indicated that the proposed front porches are recessed by approximately five (5) feet. Mr. Garramone presented a color rendering of the proposed triplex which was received by the Board & marked as Exhibit A-1. As a condition of approval, the Applicant will ensure that the proposed Triplex is constructed in accordance with the submitted plans & the proposed color rendering. The color of the proposed siding may be changed if the Applicant so desires.

In response to questions posed by the Board in relation to the proposed rearyard pool, the Applicant agreed as a condition of approval to comply with any & all City Ordinances regulating pools, and the Applicant will ensure that the pool is located within a gated area for safety reasons.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated January 31, 2020 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed the relief sought by the Applicant for the benefit of the Board. Mr. Petrella confirmed that the maximum building height is a 'c' variance rather than a 'd' variance as the proposed height does not exceed permitted building height by more than 10%. Mr. Petrella advised the Board that the proposed siteplan complies with all requirements of the O/S Zoning District with the exception of the proposed building height.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the 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 O/S. The Applicant is proposing to demolish the existing dwellings located on site to construct a triplex residence dwelling unit. The proposed structure will comply with current FEMA regulations & the NJ Uniform Construction & Fire Codes. Mr. Garramone & Mr. Murphy testified to the existing & proposed site/floor plans, and he outlined the nature of the Application & the relief sought by the Applicant. Mr. Garramone testified that the Applicant is experiencing a hardship in relation to the flood zone of the property, and he identified several purposes of zoning that are advanced in connection with this Application. The Board finds that a hardship exists with respect to this Applicant due to the fact that the property which presents practical difficulties in complying with the area & bulk requirements of the O/S Zoning District. The Board found Mr. Garramone & Mr. Murphy testimony to be credible & persuasive. The purposes of zoning law would be advanced by the proposed development in approval of the application. The Board finds that the

Applicant has satisfied the requirements for seeking 'c' variance relief siteplan approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

Chairman Davis then opened the application 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.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Chief Gallagher & 2nd by Councilman DelConte. 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 was approved by the Board.

Application No. P-19-12-2 - San Francisco Corp

725 West Spruce Avenue

Block 28, Lot 7

R-2 Zoning District

Preliminary & Final minor subdivision approval, and 'c' variance for minimum lot depth

The Board heard & considered the application of San Francisco Corp through the Estate of Joanne M. Kane (hereinafter "Applicant"), doing business at 1007 Central Avenue, North Wildwood, NJ, owner of the property located at 725 W. Spruce Avenue, a/k/a Block 28, Lot 7, seeking minor subdivision approval & 'c' variance relief in relation to minimum lot depth (100ft. is required whereas 98.38ft. is proposed), in order to subdivide the existing property to create 75ft. x 102.885ft. & 75ft. x 98.38ft. lots; and

Jeffrey Barnes, Esq. of the Barnes Law Group, LLC located in North Wildwood, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Barnes informed the Board that the property is a vacant 150ft. x 100ft. parcel of land located in the City's R-2 Zoning District. Mr. Barnes indicated that the Applicant is seeking minor subdivision approval in order to create two (2) lots for the future development of two (2) single family semi-detached (duplex) dwelling units. Mr. Barnes stated that the Applicant purchased the property in 1974 & in 1989 a small portion of the property was conveyed to the New Jersey Department of Transportation (NJDOT) in connection with a road widening project associated with Spruce Avenue. Mr. Barnes stated that a second conveyance of additional land was made to the NJDOT shortly thereafter. Mr. Barnes advised the Board that on May 13, 2015 the Applicant appeared before the Board & received minor subdivision approval in order to create the two (2) proposed lots which was memorialized within Resolution P-15-3-1. Mr. Barnes stated that the Applicant is also requesting 'c' variance relief in relation to minimum lot depth in connection with proposed lot 7.01 which is necessitated due to the prior conveyances of land made to the NJDOT as a minimum of 100ft. of lot depth is required whereas the Applicant is proposing a lot depth of 98.38ft. for lot 7.01. The Board acknowledged that pursuant to City Ordinance 276-34(a)(1), a lot depth variance is technically not required as the Ordinance provides for a lot depth exception if the lot's depth is deficient due to a conveyance made to the City to meet minimum street width requirements. Despite this exception, the Applicant & the Board agreed that a lot depth variance was appropriate in order to resolve any potential ambiguity. Mr. Barnes advised the Board that following the May 2015 subdivision approval the Applicant failed to record the map of subdivision with the Cape May County

Clerk's Office which rendered said approvals null & void. Mr. Barnes indicated that following the May 2015 subdivision, the Applicant was forced to evict a tenant who was residing at the property which took a substantial amount of time to finalize. He indicated that months elapsed after said tenant was finally evicted & the Applicant sought & obtained an extension of the prior subdivision approval; however, due to family issues the subdivision was never recorded & ultimately expired. Mr. Barnes indicated that the minimum lot depth variance can be granted as the Applicant is experiencing a hardship in relation to the irregular shape of the property & due in part to the fact that the land conveyances to the NJDOT are the direct cause of the need for a lot depth variance.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated February 3, 2020 which was received by the Board & incorporated as fact. Mr. Petrella acknowledged that the Applicant is seeking relief which is identical to what the Board previously approved in May of 2015. Mr. Petrella advised the Board that both of the proposed lots exceed the minimum required lot area within the R-2 Zoning District.

Chairman Davis then opened the application for general public comment. One (1) member of the public addressed the Board in connection with the application:

Holly Hill, owner of the property located at 735 W. Spruce Avenue, was placed under oath & she was sworn in to testify before the Board. Ms. Hill indicated that she had concerns associated with stormwater management & drainage. She was advised that the Applicant would be required to ensure that the lot was properly graded to ensure that stormwater management & drainage issues did not affect neighboring properties.

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.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Mr. Miller & 2nd by Mr. Peters. 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 was approved by the Board.

Vice Chair DiEduardo announced she has a "conflict" with the next application as she resides with 200 feet of the project site. Vice Chair DiEduardo will step down from the Board dais took a seat in the public seating area for the next application.

Application No. P-19-11-4 - JFM of Wildwood, NJ, LLC

211 Anglesea Drive

Block 6.05, Lot 5

R-2 Zoning District

'c' variance approval for minimum lot size, minimum lot depth & minimum sideyard setbacks for new duplex construction

The Board heard & considered the application of JFM of Wildwood, LLC ("Applicant"), doing business at 5202 Lake Road, Suite A, Wildwood, NJ, the contract-purchaser of the property located at 211 Anglesea Drive, a/k/a Block 6.05, Lot 5 ("Subject Property"), seeking 'c' variance relief in connection with minimum lot depth (100ft. is required whereas +/- 84ft. is existing & proposed), minimum lot area (6,000SF is required whereas 5,578.4SF is existing & proposed), minimum sideyard setbacks (10ft. is required whereas 8ft. is proposed), and a waiver in connection with the width of a proposed curb cut (20ft. is permitted whereas 24ft. is

proposed), in order to demolish the existing single-family detached dwelling located on site to construct a single-family semi-detached (duplex) dwelling unit.

Cory J. Gilman, Esq. of the Law Offices of Josephson Wilkinson & Gilman, P.A. located in Avalon, NJ appeared on behalf of the Applicant & outlined the nature of the application and the relief sought in connection with same. Mr. Gilman informed the Board that the Applicant is the contract purchaser of the Subject Property which is an irregularly shaped lot located in the City's R-2 zoning district. A single-family dwelling which currently exists on site is proposed to be demolished. Mr. Gilman advised the Board that the Applicant prepared revised plans addressing the comments set forth within the Board Engineer's February 3, 2020 Report. He indicated that said plans would be reviewed in connection with the presentation but they were not filed with the Board Secretary in advance of the meeting. The revised plans were received by the Board & marked as Exhibit A-1. The Applicant agreed as a condition of approval to formally submit the revised plans, identified as Exhibit A-1, to the Board Secretary. Mr. Gilman stated that the Applicant is proposing to construct a single-family semi-detached (duplex) dwelling on site, and he noted that the current owner of the property will retain ownership of one of the proposed units. Mr. Gilman indicated that single-family semi-detached (duplex) dwellings are permitted uses within the R-2 Zoning District. He further indicated that the Applicant is requesting 'c' variance relief in connection with minimum lot depth, minimum lot area, and minimum sideyard setbacks. Mr. Gilman noted that the variances associated with minimum lot area & minimum lot depth are associated with pre-existing non-conforming conditions which the Applicant is not proposing to increase and/or exacerbate in connection with this Application.

Brian Newswanger, R.A., of Atlantes Architects located at 237 Mountain Street, Philadelphia, PA appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Newswanger was placed under oath & he testified from the reviewed Site/Floor Plans, identified as Exhibit A-1, consisting of five (5) sheets dated June 2019, and revised November 7, 2019, November 14, 2019, December 16, 2019, and January 15, 2020, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reviewed the existing siteplan & conditions for the benefit of the Board, noting that the property is currently developed with a 1-1/2 story single-family dwelling & an accessory shed. He advised the Board that the existing structure is located approximately 1.5ft. off of the western property line whereas a 10ft. sideyard setback is required. Mr. Newswanger testified that the property is an irregularly shaped lot with an inconsistent lot depth due primarily to the angle of Anglesea Drive. He advised the Board that the proposed duplex was designed in a manner to accommodate the irregular site conditions & to improve the existing nonconforming side yard setback.

Mr. Newswanger further testified that the proposed duplex will provide 8ft. sideyard setbacks whereas 10ft. sideyard setbacks are required. He advised the Board that the proposed 8ft. setback to the western property line is a significant improvement from the 1.5ft. sideyard setback which currently exists on site. Mr. Newswanger informed the Board that duplexes are also permitted as conditional uses in the R-2 Zoning District on lots measuring 50' x 100,' and require a sideyard setback of 6ft. whereas a permitted duplex located on a 60' x 100' lot requires a sideyard setback of 10ft. Mr. Newswanger testified that the Applicant is also seeking a waiver in connection with the width of a proposed curb cut as 20ft. is permitted whereas 24ft. is proposed. He indicated that the Applicant is proposing a consolidated, shared driveway to provide off-street parking which takes into consideration the irregular shape of the lot and the angle of Anglesea Drive. Mr. Newswanger further testified that a total of six (6) off-street parking spaces, three (3) per unit, are provided on site. Two (2) side-by-side off-street parking spaces will be located within each garage & a 3rd off-street parking space will be provided directly in front of each garage. Mr. Newswanger advised the Board that, in light of the reconfigured off-street parking arrangement, the need for a parking variance which was requested by the Applicant has been eliminated. Mr. Newswanger reviewed the proposed building elevations for the benefit of the Board. He

testified that the entrance to the living space is located at grade & a set of stairs will provide access to the 1st floor living space. He also confirmed that a trash storage area is provided within the both of the proposed garages. Mr. Newswanger reviewed the proposed floor plans for the benefit of the Board noting that the same amenities are provided within each unit. Mr. Newswanger opined that the irregular shape of the property creates a hardship which presents practical difficulties which limit the Applicant's ability to comply with the area and bulk requirements of the R-2 Zoning District. He reiterated that the variances associated with minimum lot area & lot depth are pre-existing non-conforming conditions which cannot be improved. He also reiterated that the irregular shape of the lot limits the Applicant's ability to comply with the required sideyard setbacks, and he noted that the proposed sideyard setbacks are a significant improvement over what currently exists on site.

Mr. Newswanger further opined that, in addition to the alleged hardship, several of the purposes of zoning outlined within N.J.S.A. 40:55D-2 are advanced in connection with this application as it:

- a. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, & general welfare;
- b. Secures safety from fire, flood, panic & other natural and man-made disasters as the structure will exceed base flood elevation & comply with current construction & fire codes;
- c. Provides adequate light, air & open space as the structure is below maximum permitted building height;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses & open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens;
- i. Promote a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Newswanger testified that in his professional opinion the benefits of approving this application substantially outweigh any potential detriments. He further opined that the relief sought by the Applicant can be granted by the Board as there is no substantial detriment to the Land Development Ordinance, Zoning Map or the public good. He indicated that the proposed development is in character with the surrounding neighborhood, and he noted that many of the neighboring properties have been redeveloped into multi-family structures over the years.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 3, 2020, which was received by the Board & which is incorporated herein as fact. Mr. Petrella advised the Board that the Applicant's testimony & the revised Plans addressed the concerns noted within his report, and he confirmed the variance relief sought by the Applicant. Mr. Petrella advised the Board that the lot grading plan provided by the Applicant was acceptable. He further noted that the Applicant's revised plans straightened the proposed curb cut to ensure access to the off-street parking spaces.

Chairman Davis then opened the application for general public comment. Two (2) members of the public addressed the Board in connection with the application:

- a. Jodi DiEduardo, owner of the property located at 22 Taylor Avenue, was placed under oath & testified before the Board. Ms. DiEduardo advised the Board that she was originally concerned with the requested parking variance as there are significant parking issues in the neighborhood; however, after reviewing the revised plans indicating that the development will comply with off-street parking requirements, she indicated that her concerns had been satisfied.
- b. Janet Lampe, owner of the property located at 211 Anglesea Drive, was placed under oath & testified before the Board. Ms. Lampe indicated that she is the current owner of the property & she indicated that she will be retaining ownership of the proposed southern unit.

No further 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 application.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the 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 proposing to demolish the existing single-family detached dwelling located on site to construct a single-family semi-detached (duplex) dwelling unit. The proposed structure will comply with current FEMA regulations & the NJ Uniform Construction & Fire Codes. Mr. Newswanger testified to the existing & proposed site/floor plans, and he outlined the nature of the Application & the relief sought by the Applicant. Mr. Newswanger testified that the Applicant is experiencing a hardship in relation to the irregular shape of the property, and he identified several purposes of zoning that are advanced in connection with this Application. The Board finds that a hardship exists with respect to this Applicant due to the fact that the property is an irregularly shaped lot which presents practical difficulties in complying with the area & bulk requirements of the R-2 Zoning District. The Board found Mr. Newswanger’s testimony to be credible & persuasive. The purposes of zoning law would be advanced by the proposed development in approval of the application. The Board finds that the Applicant has satisfied the requirements for seeking ‘c’ variance relief siteplan approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Chief Gallagher & 2nd by Mr. Green. 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 & Councilman DelConte abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Since the Board is considered a “Regional/Combined Zoning & Planning Board,” at this time, Councilman DelConte & Mr. Miller will step down from the Board dais as the Board’s Class II members due to the next application require a Use Variance approval. Both Councilman DelConte & Mr. Miller took seats in the public seating area for the next application.

Application No. Z-19-12-4 - White Caps Development, LLC

129 E. Chestnut Avenue

Block 221, Lot 13

R-1.5 Zoning District

Conditional Use D(3) Use Variance siteplan approval for new duplex construction &

‘c’ variance approval for sideyard setback, minimum lot area & minimum lot frontage/width.

The Board heard & considered the application of White Caps Development, LLC (“Applicant”), doing business at 5502 Lake Road, Unit A, Wildwood, NJ, contract-purchaser of the property located at 129 E. Chestnut Avenue, a/k/a Block 221, Lot 13, seeking a d(3) Conditional Use Variance to construct a single-family semi-detached (duplex) dwelling in the R-1.5 Zoning District, ‘c’ variance relief in relation to minimum lot frontage (60ft. is required whereas 50ft. is existing & proposed), minimum lot width/frontage (60ft. is required

whereas 50ft. is existing & proposed), minimum lot area (6,000SF is required whereas 5,000SF is existing & proposed), minimum sideyard setbacks (10ft. is required whereas six (6) feet is proposed), & a waiver for continuous raised curb (25ft. is required whereas 15ft. is proposed), in order to construct a single family semi-detached (duplex) dwelling.

Cory J. Gilman, Esq. of the Law Offices of Josephson Wilkinson & Gilman, P.A. located in Avalon, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Gilman informed the Board that the Applicant is the contract-purchaser of the property which is located in the City's R-1.5 Zoning District. A single-family detached dwelling & a single family semi-detached (duplex) dwelling currently exist on site which the Applicant is proposing to demolish. Mr. Gilman indicated that the Applicant is proposing to construct a more compliant single-family semidetached (duplex) dwelling which will be constructed so as to appear as if there were a single-family detached dwelling. Mr. Gilman advised the Board that duplexes are permitted as conditional uses within the R-1.5 Zoning District on 50' x 100' foot lots provided they comply with the area & bulk requirements of duplexes within the R-2 Zoning District. Mr. Gilman informed the Board that the Applicant does not meet all required conditions & is requesting 'c' variance relief to address lot frontage/width, lot area, & proposed sideyard setbacks. Accordingly, the Applicant requires a d(3) Conditional Use Variance in order to permit the proposed development. Mr. Gilman advised the Board that the Applicant prepared revised plans addressing the comments set forth within the Board Engineer's February 3, 2020 Report. He indicated that said plans would be reviewed in connection with the presentation but they were not filed with the Board Secretary in advance of the meeting as per law. The revised plans were received by the Board & marked as Exhibit A-1. The Applicant agreed as a condition of approval to formally submit the revised plans, identified as Exhibit A-1, to the Board Secretary.

Brian Newswanger, RA, of Atlantes Architects located at 237 Mountain Street, Philadelphia, PA, appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Newswanger was placed under oath & he testified from the revised Site/Floor Plans, identified as Exhibit A-1, prepared by Atlantes Architects consisting of six (6) sheets, dated December 2019, revised December 11, 2019, December 16, 2019, January 15, 2020, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reviewed the existing siteplan & conditions for the benefit of the Board, noting that the property is currently developed with a one-story single-family detached dwelling & a two-story single-family semi-detached (duplex) dwelling. He advised the Board that a total of three (3) residential dwelling units currently exist on site. Mr. Newswanger testified that there are several pre-existing non-conforming conditions that currently exist at the property as two (2) principal uses exist on site & the eastern sideyard setback measures three (3) ft. whereas 10ft. is required. Mr. Newswanger testified that the Applicant is proposing to demolish the existing structures located on site in order to construct a duplex that is designed in order to appear as if it were a single-family detached dwelling. He indicated that duplexes are permitted on 50' x 100' lots as conditional uses provided, they comply with the area & bulk requirements of the R-2 Zoning District. Mr. Newswanger reviewed the proposed siteplan for the benefit of the Board, and he testified that the proposed duplex will comply with all required conditions with the exception of minimum lot area, minimum lot frontage/width, and required sideyard setbacks. Mr. Newswanger testified that the lot area & frontage/width variances are associated with pre-existing non-conforming conditions which are not being increased or exacerbated in connection with this Application. With respect to the minimum sideyard setbacks, Mr. Newswanger testified that the Applicant is proposing six (6) ft. sideyard setbacks whereas 10ft. sideyard setbacks are required. Mr. Newswanger opined that the reduced setbacks provide ample access to the rear of the property. Mr. Newswanger further testified that the Applicant is proposing a total of six (6) off-street parking spaces which meets & exceeds that which is required. Two (2) side-by-side off-street parking spaces will be located within each garage & a 3rd off-street parking space will be provided directly in front of each garage. Mr. Newswanger advised the Board that the Applicant is proposing a consolidated, shared driveway to

accommodate the proposed off-street parking, and he noted that two (2) on-street parking spaces are maintained in connection with this proposal. Mr. Newswanger reviewed the proposed floor plans & building elevations for the benefit of the Board. He indicated that the ground floor will be utilized as a garage & storage space, and the entrance to the living space on the 1st & 2nd floors is provided at grade. Mr. Newswanger testified that the proposed duplex was designed so as to appear as if it were a single-family dwelling. He advised the Board that only one entrance to the building is visible from the street & alternating rooflines were incorporated in order to create an aesthetically pleasing structure. Mr. Newswanger opined that several of the purposes of zoning outlined within N.J.S.A. 40:55D-2 are advanced in connection with this application as it:

- a) Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, & general welfare as the proposed construction conforms to the surrounding neighborhood;
- b) Secures safety from fire, flood, panic & other natural & man-made disasters as the living space is constructed above the base flood elevation (BFE);
- c) Provides adequate light, air & open space;
- d) Promotes the establishment of appropriate population densities & concentrations that will contribute to the well-being of persons, neighborhoods, communities & regions & preservation of the environment; and
- e) The newly constructed structure will promote a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Newswanger testified that in his professional opinion the benefits of approving this application substantially outweigh any potential detriments. He further opined that the relief sought by the Applicant can be granted by the Board as there is no substantial detriment to the zoning ordinance, zoning map or the public good. He indicated that the proposed development is in character with the surrounding neighborhood, and he noted that many of the neighboring properties have been redeveloped into multi-family structures over the years. Mr. Newswanger further testified that the proposed conditional use is appropriate given the size, site & location of the property. He indicated that the property can accommodate the proposed use & there is no negative detriment in permitting the construction of the proposed structure within the R-1.5 Zoning District. He also noted that the Applicant's proposal will eliminate the existing non-conforming use of the site & the proposed duplex will be in closer compliance with the area & bulk requirements of the zone.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated February 3, 2020 which was received by the Board & which is incorporated herein as fact. Mr. Petrella advised the Board that the Applicant's testimony had addressed the concerns noted within his report, and he confirmed the variance relief sought by the Applicant.

Chairman Davis then opened the application 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.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the 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-1.5. The Applicant is proposing to demolish the existing structures currently located on site in order to construct a single-family semi-detached (duplex) dwelling. The proposed duplex will comply with current FEMA regulations & the New Jersey Uniform Construction Code. Duplexes are permitted within the R-1.5 Zoning District on lots measuring 50' x 100' as "conditional uses" provided they are constructed so as to

appear as if they were single-family dwellings. The Applicant's proposal does not meet all required conditions necessitating the need for a d(3) Conditional Use Variance. In addition to the d(3) Conditional Use Variance, the Applicant is requesting a waiver in connection with required continuous raised curb (25ft. is required whereas 15ft. is proposed) & 'C' variance relief in relation to:

- a) minimum lot frontage/width (60ft. is required whereas 50ft. is existing & proposed);
- b) minimum lot area (6,000SF is required whereas 5,000SF is existing & proposed); and
- c) minimum side yard setbacks (10ft. is required whereas 6ft. is proposed).

The purposes of zoning law would be advanced by the proposed development in approval of the application. The Board finds that the Applicant has satisfied the requirements for Conditional Use plan approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Ms. Haas. 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 was approved by the Board.

At the conclusion of the application Councilman DelConte & Mr. Miller returned to their seats on the board dais to participate in the Board meeting.

Proposed City Ordinance No. 1796 – Amendment to the Land Development Ordinance
Recommendation to City Council for approval – *Board action required*

The Board Solicitor presented to the Board the City of North Wildwood's governing body introduced Ordinance #1796 which sets forth amendments to Article IV of Chapter 276 of the City's code relative to Residential Zoning Districts, specifically §276-15D Note 2, §276-15.1F Note 3, §276-16F Note 3, §276-20.1E Note 4, and §276-22B(5)(a) Note 1, which were previously recommended by the Planning Board to the governing body via Resolution P-05-2019. Pursuant to N.J.S.A. 40:55D-26 & N.J.S.A. 40:55D-64, prior to the adoption of a development regulation, revision, or amendment thereto, the governing body is required to refer said regulation to the Board for its review & comment in order to ensure that the proposed regulation, revision or amendment is consistent with its current Master Plan.

During its February 12, 2020 public meeting, the Board reviewed Ordinance #1796 outlining proposed amendments to the City's Land Use Ordinance (Ordinance), accepted public comment, and found that the proposed amendments to the Ordinance were acceptable to the Board, and that same are substantially consistent with the Master Plan, and the Board voted unanimously to recommend that the proposed revisions to the proposed Ordinance set forth within Ordinance #1796 be adopted by the City's governing body subject to the removal of the references to "certificates of occupancy," with the following findings & conclusions;

- a. The Board hereby recommends that the proposed amendments to the City's Ordinance, subject to the removal of the references to "certificates of occupancy," should be adopted by the governing body to permit existing detached single-family dwelling units & structures containing two (2) units, both of which are single-family dwelling units (i.e. residential duplexes), constructed prior to 1986, to construct

new open porches, open above ground decks, stairs, stair landings and/or steps providing access exclusively to the 1st floor shall be permitted to extend only into the required frontyard setback distance, but must be set back a minimum distance of five (5) feet from all street & property lines.

The Board Solicitor called for a motion to approve the memorialization of the approval Resolution as discussed. The Resolution approval is hereby approved for memorialized subject to the Resolution. Motioned by: Mr. Harkins & 2nd by Mr. Ms. Haas. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no additional corrections, additions or comments to the motion. Councilman DelConte abstained for the vote on the Resolution. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board.

I) 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 Solicitor presented to the Board the approval of January 8, 2020 Re-Organization Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board Secretary & Mr. Green pointed out minor edits in the minutes. No further discussion to the minutes. Correction made upon adoption. Motioned as proposed by Vice Chair DiEduardo & 2nd by Mr. Green. Ms. Haas abstained on the vote to memorialize the Meeting Minutes. 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): None presented

The Board Secretary announced the appointment of Daniel Speigel as the new North Wildwood Construction, Fire & Zoning Official.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 10:40pm, on motioned by Vice Chair DiEduardo & 2nd by Mr. Harkins. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____
Date 2/12/2020

J. Eric Gundrum
Board Secretary

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