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May 14, 2020

Secretary of the Planning Board
North Wildwood Zoning Board of Adjustment
901 Atlantic Avenue
North Wildwood, NJ 08260

**Re: The Four W's LLC/ Wynnefield LLC (Kenneth Schwartz and Andy Weiner)
428 E 22nd Avenue, North Wildwood, NJ, Block 291, Lots 10 & 11
Amendment to Existing Application**

Dear Secretary:

I am in receipt of the review letter issued by the Planning Board Engineer Ralph Petrella, JR., dated April 29, 2020.

Mr. Petrella indicates that, in his opinion, a (D1) use variance is required to permit the proposed duplex and triplex in the SPRA zone. Additionally, a (D5) variance for density is required since the lot area provided is undersized, with the requirement being 14,000 ft.² and the proposed lot containing only 11,000 ft.².

This matter was previously presented to the review committee and that issue was not raised to the applicant during the review process, but only first appeared in Mr. Petrella's letter above; accordingly, it was not included in the application.

I spoke with Robert Belasco Jr, the Board Solicitor and we agreed that the notices which were previously forwarded to the public are sufficient to accommodate a modification to include said variances as the proposed development was sufficiently identified and the notice included a provision indicating "any and all additional variances as may be required".

Solicitor Belasco and I further agreed that I would forward a letter amendment to you, amending the application to include a request for both a D1 and D5 variance to address Mr. Petrella's concerns. I respectfully request that you consider this correspondence as an amendment in that regard. I am also

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including the additional fee required for the use variance in the amount of \$265.00 dollars, check #371, and escrow of \$1600.00, check #372.

Further, the hearing, the applicant will provide testimony from Scott Brown, the site planner indicating that this application will satisfy the special reasons / negative criteria analysis required to justify the issuance of a use variance.

Thank you for your time and attention to the above. Should any additional information be required please do not hesitate contact me.

Very truly yours,
BLANEY & KARAVAN, P.C.

Marcus H. Karavan

MHK/mam
Enclosures

AMENDED EXHIBIT "B"

The subject property consists of two parcels of real property which will be the subject of a further subdivision as indicated in the annexed plan of subdivision. The front parcel contains boardwalk stores the rear parcel is a vacant lot. It is the intent of the applicant to move the lot line of the front parcel further rear ward to accommodate development on the rear parcel, in the form of five residential units consisting of townhouses and flats, on the vacant lot. The structures shall be housed in two separate buildings one triplex containing a townhouse and two flats and the other, a duplex, containing a townhouse and one flat.

Both parcels are located in the Seaport Pier Redevelopment Area (SPRA) zone. The applicant has been advised to utilize the Oceanside (OS) bulk standards.

"D" variances are sought from the provisions of Chapter 276 (subsections 20.1 and 27) as follows:

1. (D1) use variance is required to permit the proposed duplex & triplex in the SPRA zone.
2. (D5) variance for density is required since the lot area provided is undersized, with the requirement being 14,000 ft squared and the proposed lot containing only 11,000 ft squared.

"C" variances are sought from the provisions of Chapter 276 (subsections 20.1 and 27) as follows:

1. Lot depth (100 ft required / 93.65 feet proposed).
2. Preexisting impervious coverage (80% required / 100 % proposed).

The subject application will bring with the project **into greater compliance with the ordinance by eliminating** the following existing nonconformities:

1. The rear yard setback encroachment on existing lot 11 shall be eliminated.
2. Building coverage on existing lot 11 shall be greatly reduced from 99.6% to 65.4 % (80% required).
3. The shed encroaching on the accessory rear yard setback of Lot 11 shall now conform with the required setback.

However, the following non-conformities shall continue:

1. The lot depth requirement of 53' 66' on existing lot 11 shall remain at 93.65 feet as currently existing.
2. The impervious coverage existing on lot 11 shall remain at 100% as existing.
3. Impervious coverage on lot 10 which is currently one hundred percent shall remain at 100%.

The boardwalk stores shall remain as currently configured and usage of same shall remain consistent with prior usage.

The applicant will notice for any additional variances, modifications, waivers or approvals that the full Board may deem necessary to advance this application.

This application advances the objectives of Zoning set forth in the Municipal Land Use Act. Relative to the special reasons analysis set forth in Burbridge v. Minehill Township, 117 NJ 376 (1990), testimony will be provided to demonstrate that the structures advance the following special reasons with regard to the purposes of zoning set forth in NJS 40:55D-2: (utilizing the lettering within the statute) by:

- b. Securing safety from fire, flood, panic and other natural and man-made disasters;
- i. Promoting a desirable visual environment through creative development techniques and a good civic design and arrangements;
- k. Encouraging planned unit development which incorporates the best features of design and relate to type, design and layout of residential development to the particular site.

Similarly, testimony will be provided to demonstrate that the application meets the negative criteria and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

It is the applicant's contention that the subdivision and residential development proposed on the subject property will improve the aesthetics of the structure, will advance the principles of zoning, will have no negative impact and will be an increased ratable for the city.