

North Wildwood Planning Board
Regular Meeting: March 11, 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	Absent
Chief Matt Gallagher	Present	Mr. William Green	Absent
Mr. John Harkins	Present	Councilman David Del Conte	Present
Mr. George Greenland	Absent	Mr. James M. Flynn	Absent
Mr. Bill Auty (Alt. 1)	Present	Mr. Bill O'Connell (Alt. 2)	Absent
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	Present
		Mr. 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.

Chairman Davis introduces the appointment of Daniel Speigel as the new North Wildwood Construction, Fire & Zoning Official. Mr. Speigel introduces himself to the Board.

F) MOTIONS FOR ADJOURNMENTS:

Application No. Z-19-11-1 - Wynnefield Development, LLC

428 E. 22nd Avenue

Block 291, Lot 10 & 11

SPRA Zoning District

Minor Subdivision approval, preliminary & final siteplan approval w/ "c" variance approval

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 wavier 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 April 8th 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. 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.

The Board Solicitor called for a motion to approve the memorialization of 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. Mr. Auty abstained from the vote. 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;

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. Haas & 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. Mr. Auty abstained from the vote. 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

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. Haas & 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. Mr. Auty abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Application No. P-19-11-4 - 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.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Harkins & 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. Vice Chair DiEduardo & Mr. Auty abstained from the vote. Based on the majority roll-call vote being affirmative,

the memorialization was approved by the Board.

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.

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

H) NEW BUSINESS:

Chief Gallagher announced he has a "conflict" with the next application as the Chief Gallagher will act on any future Alcoholic Beverage Commission (ABC) permits and/or approvals. Chief Gallagher will step down from the Board dais took a seat in the public seating area for the next application.

Application No. P-17-10-1(B) - BG Capitol, LLC

2303 Boardwalk

Block 291.01, Lot 1, Block 317.03, p/o Lot 1

SPRA Zoning

Siteplan amendment for Redevelopment Zone

The Board heard & considered the application of BG Capitol, LLC, doing business at 9310 Keystone Street, Philadelphia, PA, the contract-purchaser/tenant of the property located at 2203 Boardwalk, a/k/a Block 219.01, Lot 1 & Block 317.03, Lot 1, seeking amended preliminary & final siteplan approval & a waiver to permit bar seats in excess of the required 10 to 1 restaurant to bar seat ratio set forth within the Seaport Pier Redevelopment Plan, in order to construct a 30-seat bar at the east end of the Seaport Pier.

Lyndsy M, Newcomb, Esq., of the Law Offices of Monzo, Catanese, Hillegass located in Cape May Court House, NJ appeared before the Board on behalf of the Applicant. Ms. Newcomb outlined the nature of the application & identified the relief sought in connection with same for the benefit of the Board. Ms. Newcomb advised the Board that the Applicant is the designated redeveloper & current tenant/operator of the property which is located within the Seaport Pier Redevelopment Area. The property is the home of the Seaport

Pier which consists of a bar/restaurant, music venue & private swimming club. Ms. Newcomb indicated that the redevelopment of the Pier has been completed. Ms. Newcomb advised the Board that the Applicant is seeking amended preliminary & final siteplan approval in order to construct a 30-seat bar at the east end of the Seaport Pier to take advantage of the beachfront water views & provide additional amenities to its patrons.

It should be noted that the Board received written confirmation that the Redevelopment Agency, the City of North Wildwood, had reviewed & approved the Applicant's proposed amended siteplan.

Gerald S. Blackman, Jr., A.I.A., P.P., N.C.A.R.B. with OSK Design Partners, P.A. appeared before the Board on behalf of the Applicant. Mr. Blackman was accepted by the Board as an expert in the field of architecture & planning, and he was placed under oath & testified from the proposed siteplan, dated February 20, 2020, which was received by the Board & which is incorporated herein as fact.

Joseph Byrne, a member of BG Capitol, LLC, was also present at the meeting & he was placed under oath & sworn in to testify before the Board. Mr. Byrne testified that the Seaport Pier experiences a significant amount of foot traffic at the eastern end of the pier due to the available beach access & the views of the ocean. Mr. Byrne testified that the Seaport Pier would like to construct a small 30-seat bar in this location in order to provide refreshments to individuals who congregate in this area. He further indicated that all of the proposed bar seats will face the ocean in order to take advantage of the views. Mr. Byrne further testified that a small bar in this location would also serve to draw additional people off of the beach to take advantage of the amenities and services provided by the Seaport Pier. In response to a question posed by the Board, Mr. Byrne testified that he anticipates that construction would commence immediately if the Board approves this application.

Mr. Blackman testified that the property currently houses a restaurant/bar, & a swimming club which consists of a deck, entertainment stage, beach access ramp & a police substation. Mr. Blackman testified that the Applicant is before the Board seeking amended preliminary & final siteplan approval in order to construct a 30-seat bar in the eastern portion of the pier. He advised the Board that the proposed bar measures 994SF. He indicated that the bar will not have walls but will be covered by a roof to protect patrons from the elements. Mr. Blackman testified that the bar will be constructed with wood & lighting will be installed in order to illuminate the area for use at night. Mr. Blackman advised the Board that no variances are required in connection with the Applicant's proposal; however, he indicated that a waiver to permit additional bar seats in excess of the required 10 to 1 restaurant seat to bar seat ratio is required. Mr. Blackman testified that the Board previously approved a 5 to 1 restaurant to bar seat ratio, and he opined that the addition of 30 bar seats is de minimis in light of the prior deviation from this requirement.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated February 28, 2020, which was received by the Board & which is incorporated herein as fact. Mr. Petrella confirmed that the Redevelopment Agency had approved this expansion, and he confirmed that a waiver from the restaurant to bar seat ratio is appropriate.

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. Ms. Haas "volunteered" for the finding of facts. Ms. Haas reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is

SPRA. The Applicant has standing to come before the Board to request amended preliminary & final siteplan approval in order to construct a 30-seat bar in the eastern portion of the pier. No variances are required in connection the proposed development; however, the Applicant is requesting a waiver from the required 10 to 1 restaurant to bar seat ratio set forth within the Seaport Pier Redevelopment Plan. 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 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: 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 Resolution was approved by the Board.

Chief Gallagher re-took his seat after the application concluded. He returned to the Board dais to participate in the rest of the meeting.

Application No. P-2020-1-1 - Del Val Pools & Spas (Charles Chiango)

337 NW 18th Avenue

Block 115, Lot 2

R-2 Zoning District

“c” variance relief for accessory structure (swimming pool) to main residential structure

The Board heard & considered the application of Charles & Jacqueline Chiango, owners of the property located at 337 N.W. 18th Avenue, a/k/a Block 115, Lot 2, seeking ‘c’ variance relief in relation to the required minimum rearyard pool setback (four (4ft) is required whereas one (1ft) is proposed), and minimum distance of a swimming pool to a building (eight (8ft) is required whereas zero (0ft) is proposed), in order to install a 10ft. x 20ft. in-ground swimming pool in the rear yard of the property.

The Applicant, Jacqueline Chiango, was self-represented in connection with this application. Ms. Chiango was placed under oath & she was sworn in to testify before the Board. Ms. Chiango testified that she currently owns the property with her husband, Charles Chiango. Ms. Chiango informed the Board she is seeking approval in order to install a 10ft. x 20ft. in-ground swimming pool in the rearyard of the property. Ms. Chiango further testified that the proposed pool will be attached to an existing 1st floor rearyard deck.

Ms. Chiango introduced Brett Hull, owner of Del Val Pools & Spas, who designed the proposed in-ground swimming pool on her behalf. Mr. Hull was placed under oath & sworn in to testify before the Board. Mr. Hull testified that his company was retained by the Applicant in order to design the proposed rearyard in-ground swimming pool. Mr. Hull advised the Board that the rearyard property line is located approximately six (6ft) from the rearyard bulkhead which is located along Ottens Harbor. Mr. Hull testified that a six (6ft) rearyard deck currently exists on site which the Applicant is proposing to directly connect to the proposed pool, specifically the existing deck posts. He indicated that the proposed pool will be installed partially in-ground & partially above ground. A small private bar will be installed in order to take advantage of the bayfront views. Mr. Hull testified that the proposed pool will not have a detrimental effect on the rearyard bulkhead as the

proposed pool, while only located one (1ft) from the rearyard property line, will be located a distance of approximately seven (7ft) from said bulkhead. In response to questions posed by the Board, Mr. Hull testified that his company intends to dig the pool by hand as the location approaches the bulkhead in order to ensure that any bulkhead ties are not damaged.

Board members expressed concerns associated with the possibility that connecting the proposed pool to the existing rearyard deck could create safety issues if someone were to inadvertently fall off of the deck into the pool. In response, Mr. Hull testified that the pool is proposed to be constructed two (2ft) higher than the existing deck in order to ensure the safety of the owners & their guests. Mr. Hull testified that a fence will be installed around the perimeter of the pool which will comply with the requirements of the City's Ordinance. He further testified that a fence & self-latching gate have already been installed on site. Mr. Hull advised the Board that a fence has not been erected along the rear property line in light of the fact that the property is located adjacent to Ottens Harbor. As a condition of approval, the Applicant agreed to install a four (4ft) fence along the rear property line in compliance with the City's Ordinance. Mr. Hull informed the Board that the pool mechanicals will be installed in the sideyard & do not trigger the need for variance relief.

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. Ms. Haas "volunteered" for the finding of facts. Ms. Haas 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 the installation of a swimming pool in the rearyard of the property are required in order to address this Application. The Applicant also requires 'c' variance relief in relation to the minimum rearyard & accessory structure distance between the house & swimming. The Board received testimony from the Applicant, Brett Hull & Jacqueline Chiango, who outlined the nature of the Application for the benefit of the Board. The Board found Mr. Hull's testimony to be credible & persuasive. Mr. Hull & Ms. Chiango opined that the Applicant is experiencing a hardship in relation to the fact that the property is an undersized lot. The Board found both testimonies 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. Harkins & 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 Resolution was approved by the Board.

Since the Board is considered a “Regional/Combined Zoning & Planning Board,” at this time, Councilman DelConte will step down from the Board dais as the Board’s Class II members due to the next application require a Use Variance approval. Councilman DelConte was excused from the rest of the tonight’s meeting.

Application No. Z-19-12-5 - Shawn & Kelly Ellis

326 E. 18th Avenue

Block 264, Lot 7

R-1 Zoning District

‘c’ variance relief in relation to the frontyard setback & “d(6)” Height Use Variance approval

The Board heard & considered the application of Shawn & Kelly Ellis, residing at 3920 Donerin Way, Phoenix, MD, owners of the property located at 326 E. 18th Avenue, a/k/a Block 264, Lot 7, seeking a D(6) height variance (24ft. is permitted whereas 28.47ft. is proposed), and ‘C’ variance relief in relation to the minimum frontyard setback (10ft. is required whereas 1.1ft. is proposed), minimum lot area (5,000SF is required whereas 3,000SF is existing & proposed), minimum lot frontage (50ft. is required whereas 30ft. is existing & proposed), minimum lot width (50ft. is required whereas 30ft. is existing & proposed), minimum sideyard setback (4ft. is required whereas 3.4ft. & 4.3ft. are existing & proposed), minimum total sideyard setback (10ft. is required whereas 7.7ft. is existing & proposed), in order to raise the existing structure to meet base flood elevation (BFE) & to provide off-street parking and storage space beneath the elevated structure.

Andrew Catanese, Esq. of the law offices of Monzo Catanese Hillegass, P.C. appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. Mr. Catanese advised the Board that the property is an undersized, isolated lot, measuring 30ft. x 100ft., located in the City’s R-1 Zoning District. A single-family detached dwelling is currently located on site with no off-street parking. Mr. Catanese further advised the Board that the Applicant is proposing to raise the existing structure in order to safeguard same from future acts of flooding & to provide off-street parking & storage on site. He indicated that a frontyard setback variance is required in order to permit proposed stairs within the frontyard setback which will provide access to the structure’s first habitable floor. Mr. Catanese informed the Board that the Ordinance limits maximum building height on undersized lots providing 30ft. of frontage or less to 24ft. total. He stated that the Applicant’s proposal would result in a building height of 28.47ft. which exceeds maximum permitted building height by more than 10% thereby triggering the need for a D(6) height variance. He indicated that while the Applicant is requesting a D(6) height variance, the height of the raised structure will be consistent with the surrounding neighborhood.

Harry Harper, R.A, P.P., a registered architect & professional planner with Stanley W. Tasey, R.A., appeared on behalf the Applicant. Mr. Harper was accepted by the Board as an expert in the field of architecture & planning and he was placed under oath & testified from the proposed architectural plans prepared by Stanley W. Tasey, R.A., dated December 19, 2019, which were received by the Board & which are incorporated herein as fact. Mr. Harper testified that the Applicant is proposing to raise the existing structure within the building’s existing footprint in order to comply with current FEMA flood standards. No expansion of the building envelope is proposed, and there are no additional bedrooms proposed. Mr. Harper reviewed the variance relief sought by the Applicant for the benefit of the Board. He noted that variances for lot frontage/width, lot area, minimum sideyard setback, and total sideyard setback are associated with pre-existing non-conforming conditions which are not being increased or exacerbated in connection with the Applicant’s proposal. Mr. Harper testified that the raised structure is proposed to exceed maximum permitted building height in order to provide off-street parking on site where none currently exists.

Mr. Harper testified that a D(6) height variance is required in light of the fact that the proposed building height will exceed maximum permitted building height by more than 10%. Mr. Harper advised the Board that while a D(6) height variance is requested, the height of the raised structure will not be exceed the height of neighboring properties. He reiterated that the City's Ordinance reduces maximum permitted building height in relation to lot frontage for undersized lots. He advised the Board that a maximum building height of 24ft. is permitted whereas the Applicant is proposing a building height of 28.47ft. Mr. Harper testified that the Applicant is also requesting a minimum frontyard setback variance in order to permit switch-back stairs within the frontyard setback to provide access to the elevated 1st floor. He advised the Board that a 1.1ft. frontyard setback is proposed whereas 10ft. is required. He noted that the building itself does not encroach within the frontyard setback, and that the requested variance relates directly to the proposed stairs. Mr. Harper further testified that no off-street parking is currently provided on-site. He indicated that stacked parking is proposed within the garage, and while stacked parking is not permitted within the City, the proposed garage can accommodate a total of three (3) off-street parking spaces. It should be noted that the lack of off-street parking is a pre-existing non-conforming condition which does not necessitate the need for variance relief as no additional bedrooms are proposed by the Applicant. Mr. Harper advised the Board that a 12ft. wide curb cut is proposed in order to access the driveway & garage. He stated that the location of an existing fire hydrant relative to the proposed curb cut minimizes any impact of the curb cut on on-street parking.

In response to a question posed by the Board, Mr. Harper testified that the property, despite being an undersized lot, does not exceed maximum lot coverage or maximum building coverage. Mr. Harper opined that the exceptional narrowness of the lot & the fact that same is undersized creates a hardship which reduces maximum permitted building height & which limits the Applicant's ability to comply with the area & bulk requirements of the R-1 Zoning District as the property is developed & there is limited space to accommodate the proposed home elevation. Mr. Harper opined that the Applicant's proposal, and the proposed height of the elevated structure, are consistent with the character of the surrounding neighborhood as many of the neighboring properties are developed with single family detached dwellings which will continue to exceed the height of the subject property even after the Applicant's structure is raised.

Mr. Harper 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 & man-made disasters as the structure will exceed BFE & comply with current construction & fire codes;
- c. Provides adequate light, air & open space; 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.

Mr. Harper 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 Ordinance, Zoning Map or the public good.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 28, 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 comments/conditions set forth within 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:

1. Kathryn Butler, owner of the property located at 324 E. 18th Avenue, appeared before the Board & she was placed under oath to testify. Ms. Butler advised the Board that she was in favor of the project. She indicated that she had concerns about the potential loss of off-street parking; however, she acknowledged that off-street parking would be provided on site where none is currently provided.

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. Ms. Haas “volunteered” for the finding of facts. Ms. Haas reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1. The Board finds that the variances associated with the renovation & elevation of the existing residence are required in order to address this Application. The Applicant also requires ‘c’ variance relief in relation to the frontyard setback & “d(6)” Height Use Variance approval. The Board received testimony from the Harry Harper, the Applicant’s expert, who outlined the nature of the Application for the benefit of the Board. The Board found Mr. Harper’s testimony to be credible & persuasive. The Board found both testimonies to be credible & persuasive. The Board finds that a hardship exists with respect to this Applicant due to the area & bulk requirements within the R-1 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 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 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 Resolution was approved by the Board.

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 heard & considered the application of Nicholas & Roseann Amorates, owners of the property located at 312 E. 24th Avenue, a/k/a Block 258, Lot 4, seeking a “d(2)” Variance in connection with the expansion of a non-conforming use, and ‘c’ Variance relief in relation to minimum lot area (5,000SF is required whereas 4,000SF is existing & proposed), minimum lot frontage/width (50ft. is required whereas 40ft. is existing and proposed), minimum frontyard setback (10ft. is required whereas seven (7)ft. is existing & proposed), minimum sideyard setback (eight (8)ft. is required whereas 4ft. & 3ft. are proposed), and parking

(five {5} off-street parking spaces are required whereas two (2) off-street parking spaces are proposed), in order to renovate an existing 2nd floor unit & construct new front & rear decks.

Andrew Catanese, Esq. of the law offices of Monzo, Catanese & Hillegass, P.C. appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. Mr. Catanese informed the Board that the property is an undersized lot measuring 40ft. x 100ft., located in the City's MC (Motel-Commercial) Zoning District. The property is currently developed with two (2) residential structures, a single family semi-detached (duplex) dwelling & a single-family apartment located above an existing rear yard garage. Mr. Catanese advised the Board that the Applicant is proposing to renovate the single family semi-detached (duplex) dwelling & expand the size of the existing 2nd floor unit within the footprint of the 1st floor unit. The Applicant is also proposing to add a third bedroom within the 2nd floor unit. Mr. Catanese indicated that the Applicant is requesting a d(2) variance in connection with the expansion of a non-conforming use as two (2) principal uses currently exist on site. He further indicated that the Applicant is also seeking a minimum sideyard setback variance in order to accommodate proposed stairs to access the 2nd floor unit, and a parking variance due to the addition of one (1) bedroom. He stated that additional variances are required in order to address pre-existing non-conforming conditions which are not being increased or exacerbated in connection with the Applicant's proposal.

Matthew Sprague, R.A., a licensed architect with Matthew Sprague Design, LLC appeared on behalf of the Applicant. Mr. Sprague was accepted by the Board as an expert in the field of architecture & he was placed under oath & testified from the proposed architectural plans, dated October 1, 2019, & revised on November 21, 2019 & January 16, 2020, which were received by the Board & which are incorporated herein as fact. Mr. Sprague reviewed the variance relief requested by the Applicant & the existing site conditions for the benefit of the Board. He stated that the property is an undersized, developed lot located within the City's MC Zoning District. Mr. Sprague advised the Board that the existing 2nd floor unit in the main structure currently contains two (2) bedrooms & provides ceiling heights measuring 6ft. 8inches. Mr. Sprague testified that the renovations to the 2nd floor unit will result in the addition of 225SF of habitable space, increased ceiling heights, and one (1) additional bedroom. 2nd floor front & rearyard decks are also proposed in connection with the renovations. Mr. Sprague further testified that new stairs are proposed in the rear of the structure which will provide the 2nd floor unit with a second means of ingress & egress. Mr. Sprague advised the Board that the Applicant is also proposing to construct a 2nd floor deck along the front of the property which will not impact the existing frontyard setback. He advised the Board that a 10ft. frontyard setback is required whereas a seven (7)ft. front yard setback exists & will be maintained. Mr. Sprague further testified that the pre-existing non-conforming western sideyard setback currently measures three (3)ft. whereas eight (8)ft. is required. Mr. Sprague advised the Board that HVAC mechanicals are currently located within this sideyard setback & they will be relocated to the rearyard in order to improve access for emergency services. Mr. Sprague informed the Board that construction of an additional bedroom increases required off-street parking by .5 off-street parking spaces. He advised the Board that based upon the total number of proposed bedrooms on site, five (5) off-street parking spaces are required whereas two (2) existing off-street parking spaces exist and will be maintained. No additional off-street parking spaces are proposed. Mr. Sprague testified that the site itself is well below maximum permitted building coverage as 80% coverage is permitted whereas 46% is proposed. He further testified that the proposed building height measures 29ft. whereas 36ft. is permitted. Mr. Sprague opined that the increase in building height will allow the 2nd floor unit to provide nine (9)ft. ceilings & will improve the existing roof pitch. He indicated that the proposed structure will be more consistent with the surrounding neighborhood. Mr. Sprague testified that the surrounding neighborhood is comprised of a mix of two-story single-family dwellings, townhomes, and triplex & quad dwelling units. Mr. Sprague 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 M/C Zoning District as the property is

developed & there is limited space to accommodate the proposed renovations. Mr. Sprague 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:

- c. Secures safety from fire, flood, panic & other natural & man-made disasters as the structure will be brought into compliance with current construction & fire codes;
- d. Provides adequate light, air & open space; and
- j. It promotes a desirable visual environment through creative development techniques and good civic design & arrangement as the proposed renovations are aesthetically pleasing & consistent with the surrounding neighborhood.

Mr. Sprague 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 Ordinance, Zoning Map or the public good.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 28, 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 comments/conditions set forth within Mr. Petrella's review memorandum.

In response to a question posed by the Board, Mr. Sprague testified that, while the site currently provides two (2) off-street parking spaces, it can accommodate a total of three (3) off-street spaces. Mr. Sprague opined that the addition of one (1) bedroom will not negatively impact off-street or on-street parking.

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. Ms. Haas "volunteered" for the finding of facts. Ms. Haas reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is M/C. The Board finds that the variances associated with the renovation & elevation of the existing residence are required in order to address this Application. The Applicant also requires various 'c' variance setback relief in relation to the existing residential lot. The Board received testimony from the Matt Sprague, the Applicant's expert, who outlined the nature of the Application for the benefit of the Board. The Board found Mr. Sprague's testimony to be credible & persuasive. Mr. Sprague opined that the Applicant is experiencing a hardship in relation to the fact that the property is an existing non-conforming lot with two (2) principal uses. The Board found both testimonies 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 a non-conforming lot which impacts the Applicant's ability to comply with the area & bulk requirements within the M/C 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: Vice Chair DiEduardo & 2nd by Mr. Auty. 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.

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 February 12, 2020 Regular Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. No further discussion to the minutes. Correction made upon adoption. Motioned as proposed by Vice Chair DiEduardo & 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): None presented

M) REPORTS: None presented.

The Board Solicitor mentioned that a Special Meeting of the Board for an Ordinance amendment for Marina Bay Towers lawsuit requiring Board recommendation. This meeting is tentatively scheduled for March 24, 2020. The Board Solicitor provided a short summary of the reason why a Special Meeting is necessary.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:05pm, 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: _____

5/14/2020

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.

