North Wildwood Planning Board
Regular Meeting: July 8, 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.

In accordance with New Jersey Executive/Administrative Orders & guidance issued by New Jersey Governor Murphy & the State of New Jersey in response to the ongoing COVID-19/Coronavirus pandemic increasing the permitted limits on indoor gatherings, the City of North Wildwood Planning Board meeting *scheduled for Wednesday, July 8, 2020, 6:30p.m.*, as provided on the Agenda herein, was conducted as an "in person" in the meeting room located at North Wildwood City Hall. *Any members of the public who wished to attend this meeting had to be present, in-person on the date & time set forth herein. Individuals attending said meeting had to wear face masks & comply with any & all applicable social distancing regulations set forth within applicable Executive/Administrative Orders.* Members of the public wishing to testify for any application, topic and/or discussion to which is listed on the Agenda, can join the meeting by appearing in-person. Due to capacity limitations of the meeting location, individual applicants, their professionals, and members of the public who wish to speak on a specific application may be required to wait outside of the meeting room until the Board hears said application. This meeting was not be conducted virtually, on-line, by computer or by phone. Members of the public were also still be able voice their concerns, opinions, & questions during the public comment period, after stating their name & address & after being sworn once the public comment period has opened. *This meeting was be recorded as required under NJ law.*

A) 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	Absent
Mr. George Greenland	Present	Mr. James M. Flynn	Absent
Mr. Bill Auty (Alt. 1)	Absent	Mr. Bill O'Connell (Alt. 2)	Present
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	Present

Mr. Robert L. Belasco (Board Solicitor)	Present
Mr. Ralph Petrella (Board Engineer)	Present
Eric Gundrum, (PB Secretary)	Present

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

E) SWEARING IN OF PROFESSIONALS:

The Board Solicitor did conduct the truth swearing of the Board's professionals as it was necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None

G) MEMORIALIZATIONS:

Application No.: Z-2020-4-2 - Brian Bulman
219-221 W. 26th Avenue
Block 133, Lot 16
R-2 Zoning District
Siteplan approval – "d" Use Variance approval - expansion of non-conforming use – new deck & stairs

The Board heard & considered the application of Brian T. Bulman (Applicant), owner of the property located at 221 W. 26th Avenue, Unit 2, a/k/a Block 133, Lot 16 (Property"), seeking a D(2) Use Variance in relation to the proposed expansion of a pre-existing non-conforming use, in order to replace existing exterior stairs & a landing with a new stairs & a larger deck/landing. The property is located in the R-2 Zoning District.

The Board Solicitor called for a motion to memorialize the Resolution as discussed. Motioned by: Mr. O'Connell & 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 of the Resolution was approved by the Board. Mr. Peters did abstain on the vote.

Application No.: Z-2020-4-3 Seven She's Development, LLC
402 E. 25th Avenue
Block 288.01, Lot 2
SPRA/OS Zoning District
Siteplan approval – "d" Use Variance approval – conversion of motel use to residential use

The Board heard & considered the application of Seven She's Development, LLC (Applicant), the contract-purchaser of the property located at 402 E. 25th Avenue, a/k/a Block 288.01, Lot 2 (Property), seeking preliminary & final siteplan approval, a D(1) Use Variance to permit apartments in the Oceanside (OS) Zoning District, a D(5) density variance, and 'C' variance relief in relation to the minimum sideyard setback (8ft. is required whereas 1.8ft. is proposed), minimum rearyard setback (8ft. is required whereas 4ft. is proposed), maximum fence height for proposed trash enclosure (4ft. is permitted whereas 5ft. is proposed), minimum lot area (10,000SF is required whereas 7,000SF is existing & proposed), minimum lot depth (100ft. is required whereas 70ft. is existing & proposed), maximum lot coverage (80% is permitted whereas 95% is existing & proposed) and parking (18 off-street parking spaces are required whereas 13 off-street parking spaces are proposed), in order to renovate an existing 3-story, 15-unit motel & convert same to 12 apartments.

The Board Solicitor called for a motion to memorialize the Resolution as discussed. Motioned by: Ms. Haas & 2nd by Mr. O'Connell. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board. Mr. Peters did abstain on the vote.

H) NEW BUSINESS:

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 –"d" Use Variance approval - w/ "c" variance approval

The Board heard & considered the application of Wynnefield Development, LLC, doing business at 8800 Seaview Avenue, Wildwood Crest, NJ, owner of the property located at 428 E. 22nd Avenue, a/k/a Block 291, Lots 10 & 11, seeking minor subdivision approval to relocate the existing lot line located between Lots 10 & 11, preliminary & final siteplan approval, a D(1) Use Variance to permit more than one (1) principal structure on one (1) lot & to permit the proposed residential uses in the Seaport Pier Redevelopment Area (SPRA) Zoning District, a D(5) density variance, & a 'C' variance in relation to maximum building height (36ft. is maximum permitted whereas of 38ft. is proposed), in order to construct two (2) residential structures, a duplex & a triplex, on Lot 10;

Marcus H. Karavan, Esq. of the Law Offices of Blaney & Karavan, P.C. located in Wildwood, NJ appeared on behalf of the Applicant & explained the nature of the application to the Board.

Mr. Karavan outlined the relief sought by the Applicant which includes minor subdivision approval, preliminary & final siteplan approval, a D(1) Use Variance, a D(5) density variance & 'C' variance relief related to maximum building height. Mr. Karavan advised the Board that the Applicant is seeking approval to subdivide Lots 10 & 11 in order to relocate the existing lot line to construct a residential duplex & triplex, for a total of five (5) units, on Lot 10. Mr. Karavan informed the Board that Lot 10 currently contains a parking lot & Lot 11 contains commercial stores that front the Boardwalk. Mr. Karavan advised the Board that a D(5) Use Variance is required in order to permit more than one (1) principal structure on one (1) lot & to permit the proposed residential uses in the SPRA where residential uses are not permitted. In light of the fact that residential uses are not permitted within the zone, Mr. Karavan advised the Board that a D(5) density variances is also sought in order to permit the number of proposed residential units on site. Mr. Karavan further advised the Board that the proposed development is similar to prior approvals received by the Applicant in relation to a property located on 24th Avenue. Mr. Karavan presented a rendering of the proposed development & a photograph of the structures which were previously approved on 24th Avenue which was received by the Board & which was marked as Exhibit A-1.

Dante Guzzi, P.E., a professional engineer with Dante Guzzi Engineering Associates, LLC, appeared, was sworn & testified from the proposed Site & Grading Plan submitted to the Board, consisting of one (1) sheet, dated December 27, 2019, latest revised February 24, 2020, which was received by the Board & which is incorporated herein as fact. Mr. Guzzi also testified from a proposed Minor Subdivision Plan, consisting of one (1) sheet, dated August 22, 2029, latest revised December 26, 2019, which was received by the Board & which is incorporated herein as fact.

Joseph Garramone, R.A., a registered architect with Garramone Architects, LLC, also appeared, was sworn & testified from the proposed floor plans & elevations submitted to the Board, consisting of four (4) sheets, dated August 24, 2019, which were received by the Board & which are incorporated herein as fact.

Mr. Guzzi testified that the Property is located at 428 E. 22nd Avenue, a/k/a block: 291, Lots: 10 & 11. He advised the Board that the property contains an existing commercial building that fronts on to the Boardwalk & a parking lot is located in the rear. He indicated that the majority of the commercial building is located on

Lot 11; however, a portion encroaches on to Lot 10. Mr. Guzzi testified that the Applicant is proposing to subdivide the existing parcel in order to relocate the existing lot line located between Lots 10 & 11 so that all of the commercial building will be located on Lot 11. He noted that the proposed subdivision will result in conforming setbacks & will eliminate the existing building encroachment that affects Lot 10. Mr. Guzzi noted that the proposed subdivision will reduce lot coverage associated with Lot 11 from 100% to 65%. Mr. Guzzi advised the Board that the Applicant is proposing to construct a residential duplex & a triplex on Lot 10. He testified that a D(1) Use Variance is required in order to permit two (2) principal structures on one (1) lot & due to the fact that the proposed residential development is not a permitted use within the SPRA Zoning District. Mr. Guzzi further testified that the Applicant is also requesting a D(5) density variances as five (5) units are proposed on an 11,000SF lot whereas a 14,000SF lot would otherwise be required. Mr. Guzzi testified that the proposed density is appropriate at the site as the majority of the development in the surrounding neighborhood consists of multi-family residential structures, many of which provide anywhere between four (4) & six (6) total units, with hotels & commercial structures interspersed therein. Mr. Guzzi opined that the development proposed by the Applicant is consistent with the surrounding neighborhood in light of the existing residential uses. Mr. Guzzi opined that the variance relief sought by the Applicant is appropriate as the proposed development advances several of the special purposes of zoning as set forth within N.J.S.A. 40:55D-2, namely:

b. The project will secure safety from fire, flood, panic and other natural and man-made disasters as an existing building encroachment will be eliminated, conforming setbacks will be provided, and the proposed structures will comply with all current building and fire codes;
c. The project will provide adequate light, air and open space as the setbacks will conform to the zone's requirements;
i. The project will promote a desirable visual environment through creative development techniques and good civic design and arrangement as the proposed structures are aesthetically appealing and will complement the neighborhood;
g. The project provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens as the commercial lot will be made more conforming and the proposed residential structures will provide a transition to the neighboring residential uses; and
k. The project encourages planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to this particular site.

Mr. Guzzi 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 or purpose of the Zoning Map & Land Development Ordinance (Ordinance) as the proposed development is consistent with the surrounding neighborhood. Mr. Guzzi further opined that the conforming setbacks & elimination of the existing building encroachment is a positive aspect of the project and will have no detrimental effect on the public, the Zoning Map, or the Ordinance.

Mr. Garramone reviewed the proposed floor plans & building elevations for the benefit of the Board. Mr. Garramone testified that two (2) residential structures are proposed on Lot 10 which will consist of a triplex and a duplex, for a total of five (5) units on site. He noted that the structures were designed in accordance with the area & bulk requirements of the City's Oceanside (OS) residential Zoning District at the suggestion of the Board's review committee in light of the fact that the SPRA zone does not permit residential development. Mr. Garramone advised the Board that the proposed development is nearly identical to the properties constructed by the Applicant on 24th Avenue which were previously reviewed & approved by the Board, as memorialized in Board's Resolution Z-18-1-2. Mr. Garramone testified that the proposed triplex will consist of one (1) townhouse style unit located adjacent to two (2) residential flats. Mr. Garramone testified that the Townhouse style unit will provide a total of five (5) bedrooms & three (3) conforming parking spaces are provided. He indicated that the flat-style units will provide a total of three (3) bedrooms and two (2) conforming parking

spaces are provided for each respective unit. Mr. Garramone testified that the proposed duplex will consist of flat-style units, each providing a total of three (3) bedrooms & two (2) conforming parking spaces. In response to a question posed by the Board in regards to the proposed dens, Mr. Garramone testified that the dens are not proposed to be utilized as additional bedrooms. He noted that a powder room is proposed on the ground floor for the use of the 1st-floor flat style units. He confirmed that the windows that exist in the den measure 3' x 4' are not intended to be utilized as egress windows. Mr. Garramone testified that outdoor showers which were proposed with the development of the property located on 24th Avenue have been eliminated from this Application.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated April 29, 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.

In response to a question posed by the Board in relation to proposed building height, Mr. Guzzi testified that the Applicant is proposing a building height not to exceed 38ft. whereas a maximum building height of 36ft. is permitted. Mr. Garramone testified that the proposed structures will be constructed at elevation 12' & he confirmed that the subject property is located in the AE-10 FEMA flood zone. He confirmed that finished grade is approximately 8.33' & the proposed garage ceilings measure 12ft. 10inches respectively.

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 SPRA but designed under the OS Zoning District provisions for residential unit construction. The Applicant has standing to come before the Board to request minor subdivision approval to relocate the existing lot line between Lots 10 & 11, preliminary & final site plan approval, a D(1) Use Variance to permit more than one (1) principal structure on one (1) lot & to permit the proposed residential uses in the SPRA zone, a D(5) density variance & a 'C' variance in relation to maximum building height (36ft. is permitted whereas a maximum of 38ft. is proposed), in order to construct two (2) residential structures, a duplex & a triplex, on Lot 10. The property is located in the SPRA Zoning District. At the recommendation of the Board review subcommittee, the proposed structures were designed in accordance with the area & bulk requirements of the City's OS Zoning District as residential uses are not permitted within the SPRA zone. In connection with this proposal the Applicant requires a D(1) Use Variance in order to permit two (2) principal structures on one (1) lot & due to the fact that the proposed residential development is not a permitted use within the SPRA zone. The Applicant is also requesting a D(5) density variances as five (5) units are proposed on an 11,000SF lot whereas a 14,000SF lot would otherwise be required. With regard to the Application for preliminary & final siteplan approval, the Board finds that the application meets the standards of the ordinance and the Applicant is entitled to preliminary & final siteplan approval for the proposed development. With respect to the D(1) Use Variance, the D(5) density variance & the 'C' variance related to maximum building height, the Board finds that the Applicant has presented special reasons which advance the purposes of zoning which justify the granting of the aforementioned variances and waivers in that it is an appropriate development of land. The Board received no testimony from the public in connection with the proposed project. The Board finds that the benefits of granting the relief sought by the Applicant outweighs any potential detriment to the public, and that there is no substantial detriment to the intent of the Ordinance or the Zoning Map. The purposes of zoning are advanced for the reasons set forth above as the rationale for granting of the use, lot depth & parking variances and waivers requested by the Applicant. As the Board finds that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good without

substantially impairing the intent & purpose of the zoning map & Ordinance. 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. Greenland & 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 application was approved by the Board.

A 15-minute break was requested by the Board due to warm temperatures of the Public Meeting Room. Upon conclusion of the break, the Board meeting was back in session.

Application No.: Z-2020-4-1 Island West Development, LLC
1610 New York Avenue
Block 142, Lot 19
R-2 Zoning District
Siteplan approval – "d" Use Variance approval - expansion of non-conforming use – new roof & floor

The Board heard & considered the application of Island West Development, LLC (Applicant), doing business at 910 New Jersey Avenue, owner of the property located at 1610 New York Avenue, a/k/a Block 142, Lot 19 (Property), seeking a D(2) Use Variance for the expansion of a non-conforming use & 'C' variance relief related to minimum sideyard setback (6ft. is required whereas 0ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 0ft. is existing & proposed), minimum rearyard setback (10ft. is required whereas 2.5ft. is existing & proposed), maximum building coverage (70% is permitted whereas 97.5% is existing & proposed), and maximum lot coverage (80% is permitted whereas 100% is existing & proposed), in order to construct a 1,050SF addition to provide additional storage space on site. The property is located in the R-2 Zoning District.

Doreen Corino, Esq. of the Corino Law Office, P.A. located in Wildwood Crest, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same.

Ms. Corino advised the Board that the Property is currently developed with a mixed-use structure that contains a commercial warehouse & a residential apartment on the 2nd floor located in the City's R-2 residential Zoning District. She indicated that the mixed use, specifically the commercial use, is a pre-existing condition which is not permitted within the zone necessitating a D(2) expansion of a non-conforming Use Variance. Ms. Corino indicated that the Applicant is proposing to renovate the existing commercial portion of the structure in order to provide an additional 1,050SF of storage space, and intends to utilize the space as a personal wood shop. Ms. Corino advised the Board that the Applicant is proposing to construct an A-frame roof in order to address existing leaks & to address drainage & water runoff issues that have affected neighboring properties as well as the Property. The Applicant is also intending to raise the existing floor to address flooding concerns. In addition to the D(2) Use Variance, Ms. Corino advised the Board that the Applicant is also requesting 'C' variance relief to address pre-existing non-conforming conditions associated with the minimum sideyard setback (6ft. is required whereas 0ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 0ft. is existing & proposed), minimum rearyard setback (10ft. is required whereas 2.5ft. is existing & proposed), maximum building coverage (70% is permitted whereas 97.5% is existing & proposed), and maximum lot coverage (80% is permitted whereas 100% is existing & proposed). She noted that the renovations will not increase or exacerbate these conditions.

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 proposed Plans, dated December 2019 & latest June 17, 2020, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger testified that the Property was formerly operated as a bar/tavern known as "The Little Club." He advised the Board that the property has been vacant & unoccupied for approximately the past ten (10) years. Mr. Newswanger testified that the Applicant is proposing to renovate the existing commercial space in order to add an additional 1,050SF of storage space. Mr. Newswanger advised the Board that an A-frame roof will be constructed to eliminate leaks that have plagued the existing flat room, and will substantially improve the aesthetic appearance of the building. Mr. Newswanger opined that the renovations will allow the building to better blend in with the surrounding residential neighborhood. Mr. Newswanger testified that, in light of the fact that the mixed-use structure is not permitted within the R-2 Zoning District, a D(2) Use Variance for the expansion of a non-conforming use is required. He further noted that several 'C' variances, as outlined by Ms. Corino, are also required in order to address pre-existing non-conforming conditions which will not be increased or exacerbated by this Application. Mr. Newswanger testified that there is no proposed change to the building envelope or to lot coverage. Mr. Newswanger advised the Board that the structure was previously owned by an individual by the name of Peg West who operated the bar that previously existed on site & resided in the residential apartment. He indicated that the residential apartment is currently rented & the Applicant intends to utilize the commercial space as a personal wood shop. Mr. Newswanger distributed a packet containing a photograph of the existing site & smaller versions of the plans which were received by the Board & which were marked as Exhibit A-1. Mr. Newswanger noted that the existing building has the appearance of a gray stucco box, and the Applicant intends to improve the aesthetics of same. Mr. Newswanger testified that, with the exception of a curb cut, no other site modifications are proposed. As a condition of approval, the Applicant will reduce the size of the proposed curb cut to 20ft. & depict same on revised plans. In response to a question posed by the Board related to the fact that the existing garage doors are not located at grade, Mr. Newswanger stated that the Applicant intends to utilize removable ramps in order to access the interior commercial space. 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 and support the relief sought by the Applicant 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 & man-made disasters;
c. Provides adequate light, air & open space; and
i. Promotes a desirable visual environment through creative development techniques, good civic design & arrangement.

Mr. Newswanger 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 or purpose of the Zoning Map & Ordinance as the structure currently exists, and the improvements proposed by the Applicant will address issues associated with flooding, drainage & will also improve the aesthetic appearance of the structure consistent with the surrounding residential neighborhood.

Mr. Joseph Steiger, the owner & principal of Island West Development, LLC, was present at the meeting, and he was placed under oath & sworn in to testify before the Board. Mr. Steiger testified that the proposed curb cut will afford him access to the garage doors. He confirmed that one (1) on-street parking space would be lost in connection with said curbcut. Mr. Steiger indicated that the floor of the proposed wood shop will be constructed approximately 24-30 inches higher than what currently exists & the temporary ramps will allow access to the space. He indicated that he intends to store said ramps when they not in use. In response to a question posed by the Board, Mr. Steiger indicated that the ramps are approximately 12ft. long & are constructed out of aluminum. He advised the Board that he's essentially proposing a temporary, as-needed loading zone. Mr. Steiger advised the Board that the warehouse will be fully compliant with current fire codes. Mr. Steiger testified that the proposed A-frame roof will be married to the existing residential roof for aesthetic

purposes. He stated that the flat roof leaks & water drains into the alleyway located to the North, impacting the neighboring property. He intends to divert the water to the storm water drain in order to address this issue. In response to a question posed by the Board, Mr. Steiger stated that he intends to personally utilize the commercial space & it will not be open to the public. He indicated that he simply wants to provide himself with a workshop to work on his own personal projects. As a condition of approval, the commercial space may only be owner-occupied & no signage will be installed on the building.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated June 2, 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.

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

1. Eileen Filipone, owner of the property located at 223 West 17th Avenue, was placed under oath & was sworn in to testify before the Board. Ms. Filipone expressed concerns related to the installation of a curb cut & loss of on-street parking. She indicated that parking is a problem in the neighborhood. She expressed concerns about the commercial use of the property & hours of operation. She advised the Board that she had concerns about the flooding & drainage issues but was satisfied with the Applicant's plan to address these issues.
2. Jennifer Hemple, owner of the property located at 207 W. 17th Avenue, was placed under oath & was sworn in to testify before the Board. Ms. Hemple shared the same concerns as Ms. Filipone. She expressed concerns related to trash accumulation & construction debris as well as the operation of the commercial use & noise from same.

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 Applicant is the owner of the subject property & has standing to come before the Board in order to request a D(2) Use Variance for the expansion of a non-conforming use & 'C' variance relief to address pre-existing non-conforming conditions. The subject property is located in the R-2 zoning district. The Subject Property contains a mixed-use structure which contains a commercial warehouse and a residential apartment. The existing use is not permitted within the R-2 Zoning District. The Applicant is proposing to construct a 1,050SF addition to the existing commercial space in order to provide additional storage space on site. The existing mixed-use is a pre-existing non-conformity which necessitates the need for a D(2) Use Variance in connection with the proposed expansion of same. In addition, the Applicant is also requesting 'C' variance relief to address the following pre-existing non-conformities which are not being increased or exacerbated in connection with this proposal. Two (2) members of the public spoke out in opposition to the relief sought by the Applicant and the proposed use of the commercial space. With respect to the D(2) variance & 'C' variance relief sought by the Applicant, the Board finds that the benefits of granting the relief sought by the Applicant outweighs any potential detriment to the public, and that there is no substantial detriment to the intent of the Ordinance or the Zoning Map. The purposes of zoning are advanced for the reasons set forth above as the rationale for granting of the use, lot depth & parking variances and waivers requested by the Applicant. As the Board finds that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good without substantially impairing the intent & purpose of the zoning map & Ordinance. 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 application was approved by the Board.

I) PUBLIC PORTION:

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.

J) APPROVAL OF MINUTES: –

The Board Solicitor presented to the Board the approval of June 10, 2020 Regular Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Ms. Haas mentioned a small typo regarding the time of the meeting. Correction made on adoption. No further discussion to the minutes. Correction made upon adoption. Motioned as proposed by Mr. Harkins & 2nd by Mr. O'Connell. 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):

Chairman letter to Mayor & Council – regarding traffic safety recommendations to 10th & Delaware Avenue in light of the Cecil Creek Properties, LLC application before the Board last month. On this day, City Clerk submitted a letter to the Planning Board addressing the comments & suggestions referenced in the Board's letter.

The Board Solicitor mentioned that the Board will be providing recommendation next month on Proposed City Ordinance 1814 – Land Development Ordinance Small Wireless Facilities (Cell Phone Towers) in City street right-of-way.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:37pm, on motioned by Vice Chair DiEduardo & 2nd by Ms. Haas. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 8/18/2020
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.