

North Wildwood Planning Board  
Regular Meeting: February 10, 2021  
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 Valerie DeJoseph	Present
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, (Board 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 presented.

G)

MEMORIALIZATIONS:

**Application No: P-2020-10-1 Donald & Mary Matlack** *(revised Resolution)*

408 W. 17<sup>th</sup> Avenue

Block 90, Lot 11

R-2 Zoning District

Hardship “c” siteplan approval – Existing home elevation & relocation with new deck & steps

The Board heard & considered the application of Donald & Mary Matlack (“Applicant”), owners of the property located at 408 West 17<sup>th</sup> Avenue, a/k/a Block 90, Lot 11 (Property), seeking ‘c’ variance relief in relation to minimum lot area (6,000SF is required whereas 4,500SF is existing & proposed), minimum lot frontage (60ft. is required whereas 50ft. is existing & proposed), minimum lot depth (100ft. is required whereas 90ft. is existing & proposed), and minimum sideyard setback (10ft. is required whereas 5.33ft. is proposed), in order to raise the existing two-family stacked duplex located on site & to construct new front & rearyard decks on the 1<sup>st</sup> & 2nd floors.

The Board Solicitor announced Mr. Matlack requested a revision & clarification to the Resolution as it relates to the sideyard setback & the amount of distance the house would be moved back on the property. The requested revisions did not materially change the Resolution details & only was for clarification.

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. Chief Gallagher, Mr. Harkins, Mr. O’Connell & Mr. Peters abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

**Application No.: P-2020-11-2 Anastasi & Cook**

419-421 East 8<sup>th</sup> Avenue

Block 306, Lot 18

R-1.5 Zoning District

Permitted Conditional Use siteplan approval – New duplex construction

The Board heard & considered the application of Salvatore & Rosemary Anastasi and James & Theresa Cook (Applicant(s), owners of the property located at 419-421 E. 8<sup>th</sup> Avenue, a/k/a Block 306, Lot 18 (Property), seeking Conditional Use Approval/siteplan approval, ‘C’ variance relief in relation to off-street parking (five {5} off-street parking spaces are required whereas four {4} off-street parking spaces are proposed) and minimum distance between a pool & structure (eight {8}ft. is required whereas 3.2ft. & 6.7ft. are proposed), and a design waiver for continuous raised curbing (30ft. is required whereas 20ft. is proposed), in order to construct a single-family semi-detached (duplex) dwelling on a 60ft. x 100ft. lot within the R-1.5 Zoning District.

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

**Application No.: P-2020-11-3 24 Taylor, LLC**

24 Taylor Avenue  
Block 6.05, Lot 2  
R-2 Zoning District  
Permitted Conditional Use siteplan approval – New duplex construction

The Board heard & considered the application of 24 Taylor Avenue, LLC (Applicant), owner of the property located at 24 Taylor Avenue, a/k/a Block 6.05, Lot 2 (Property), seeking Conditional Use Approval/siteplan approval, a ‘C’ variance in relation to off-street parking (five {5} off-street parking spaces are required whereas four {4} off-street parking spaces are proposed), and a design waiver for continuous raised curbing (25ft. is required whereas 15ft. is proposed), in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District under the conditional use standards/condition at Chap. 276-16(D)(1).

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. Vice Chair DiEduardo & Mr. Peters abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

**Application No.: P-2020-11-4 James & Barbara Blankenhorn**

142 W. Spruce Avenue  
Block 191, Lot 1.01  
D/E Zoning District  
“c” Variance approval – Landscape Screen

The Board heard & considered the application of James & Barbara Blankenhorn (Applicant), owners of the property located at 142 W. Spruce Avenue, a/k/a Block 191, Lot 1.01 – C0142 (Property), seeking a ‘C’ variance in relation to maximum permitted fence height in a frontyard (four {4} ft. is permitted whereas eight {8} ft. is proposed), in order to maintain an existing eight {8} ft. lattice privacy screen in the frontyard of the Property. The Property is located in the City’s Dining & Entertainment (D&E) Zoning District.

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

**Planning Board Resolution No. PB-02-2021 - Board Professionals**

*For memorialization only*

The Board Secretary announced Board Resolution No. PB-02-2021 for the Board Professionals representation/contract approval for the 2021 Calendar Year. Board professionals were not changed from last year. Based on the passage of the Resolution by the Board, notice has been sent to area newspapers to reflect the contract award will be certified by the Board Secretary. This Resolution memorializes the Board’s majority vote at the January meeting.



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. Miller & Councilman DelConte abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

H) NEW BUSINESS:

**Application No.: P-2020-12-2 NW Beach House, LLC**

324 E. 11<sup>th</sup> Avenue

Block 271, Lot 9

R-1 Zoning District

“c” Variance – single-family dwelling construction

The Board heard & considered the application of NW Beach House, LLC (Applicant), owner of the property located at 324 East 11<sup>th</sup> Avenue, a/k/a Block 271, Lot 9 (Property), seeking ‘C’ variance relief in relation to minimum lot area (5,000SF is required whereas 4,650SF is existing & proposed), minimum lot frontage/width (50ft. is required whereas 46.5ft. is existing & proposed), and maximum building height (32ft. is permitted whereas 35ft. is proposed), in order to construct a new single-family residence on an undersized lot in the R-1 Zoning District.

Ronald J. Stagliano, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Stagliano informed the Board that the Property is an undersized lot that is located partially in the R-1 & partially in the R-1.5 Zoning District, and it is currently developed with a single-family dwelling which the Applicant intends to demolish. Mr. Stagliano indicated that the Applicant is proposing to construct a new single-family dwelling on site which was designed utilizing the R-1 Zoning District area & bulk requirements as the majority of the property is located in that Zoning District. Mr. Stagliano advised the Board that if the Property was located in the R-1.5 Zoning District the Applicant would require no variances in order to proceed with the proposed development as the structure would meet all area & bulk requirements. Mr. Stagliano stated that the Applicant is seeking variances to address pre-existing non-conforming conditions associated with lot area, lot frontage/width, and the Applicant is also requesting a building height variance as 32ft. is permitted whereas 35ft. is proposed. Mr. Stagliano advised the Board that the Property contains 46.5ft. of frontage/width which, pursuant to the City’s Ordinance, reduces maximum building height to 32ft. He advised the Board that the proposed structure meets all required setbacks.

Joseph Garramone, R.A., a registered architect with Garramone Architects, LLC, also appeared, was sworn & testified from the proposed site plan, floor plans & elevations submitted to the Board, dated December 8, 2020 & revised December 18, 2020, January 12, 2021 & January 14, 2021, which were received by the Board & which are incorporated herein as fact. Mr. Garramone was accepted by the Board as an expert in the field of architecture. Mr. Garramone reviewed the existing & proposed site plan for the benefit of the Board. He stated that the existing single-family dwelling that is currently located on site will be demolished in order to allow for the construction of a new, 3-story single-family dwelling. Mr. Garramone testified that the Property is an undersized lot, and he reviewed the dimensions of the single-family dwelling that is proposed on site. He noted that all setbacks will comply with the requirements of the R-1.5 Zoning District. Mr. Garramone advised the Board that the sideyard setbacks measure 8ft. & 12ft. respectively, the rear yard setback measures 25ft., and the front yard setback measures 12ft. Mr. Garramone reviewed the variances sought in connection with this application. He stated that the variances associated with minimum lot area, minimum lot width/frontage are all associated with pre-existing non-conforming conditions. Mr. Garramone further testified that a building height



variance is requested in order to provide conforming roof pitches & to improve the aesthetics of the proposed structure. Mr. Garramone indicated that neighboring properties are similar in size to the structure that's proposed on site. He stated that many properties in the surrounding neighborhood are 3-story structures. Mr. Garramone testified that three (3) off-street parking spaces are provided on site, one (1) within the garage & two (2) side-by-side parking spaces in the driveway. Mr. Garramone further testified that the proposed building bump-out will be limited to two (2) ft. & will comply with the requirements of the City's Ordinance. As a condition of approval, the Applicant will submit revised plans depicting a conforming bump-out & eave that do not exceed two (2) feet. Mr. Garramone testified that the bathroom located in the office will be utilized by the family when they are returning from the beach, or in the event a pool is installed in the rearyard in the future.

Board Members expressed concerns in relation a proposed home office that contains a full bathroom as the Board felt that said room would be used as an additional bedroom impacting required off-street parking.

Anthony Randazzo, a member of NW Beach House, LLC, appeared & he was placed under oath to testify before the Board. Mr. Randazzo testified that he currently owns a condominium unit on Surf Avenue. He indicated that he wants to construct a single-family home to utilize as a seasonal residence with his family. Mr. Randazzo testified that he owns a business in PA & he intends to work from home when he is down the shore at the Property. He stated that he needs a dedicated home office space to work remotely & the office will not be utilized as an additional bedroom.

The Board was in receipt of a review memorandum prepared by Board Engineer Petrella, dated February 2, 2021 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirm the variance relief sought by the Applicant for the benefit of the Board.

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

Douglas Morgan, owner of the property located at 332 E. 11<sup>th</sup> Avenue, was placed under oath & was sworn in to testify before the Board. Mr. Morgan advised the Board that he has no objection to the Applicant's proposal. He expressed concerns in relation to setbacks of the neighboring property.

No additional members of the public came forward to testify in favor or against the application. Accordingly, Chairman Davis closed the application to 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 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 requires variances associated with lot area, lot frontage/width are requested in order to address pre-existing non-conforming conditions. The Board received testimony from the Applicant, Anthony Randazzo, who reviewed the history of the property & outlined the nature of the Application for the benefit of the Board. The Board found Mr. Randazzo testimony to be credible & persuasive. Joe Garramone, R.A., appeared on behalf of the Applicant & was recognized as an expert in the field of architecture. Mr. Garramone testified from the proposed floor plans & elevations & he reviewed the relief sought by the Applicant for the benefit of the Board. Mr. Garramone opined that the Applicant is experiencing a hardship in relation to the fact that the property is an undersized lot. The Board found Mr. Garramone 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-1 Zoning District. The purposes of zoning law would be advanced by the proposed development in approval of the application. One (1) member of the public addressed the board in relation to the relief sought by the Applicant. That individual did not have an objection to the relief sought by the Applicant. The Applicant agreed, as a condition of approval, to submit revised plans depicting a conforming bump-out and eave that do not exceed two (2) feet. With respect to the 'C' variance relief sought by the Applicant, the Board found that the Applicant has presented evidence of a hardship specific to the Subject Property as it is an undersized lot. The Board further found that the proposed structure complies with all required setbacks and the requested height variance is de minimis in relation to the surrounding neighborhood. 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: Ms. Haas & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

Board member Ms. DeJoseph was excused for the next application(s) due to the Board being a Regional Planning Board & the request/requirement for a Use Variance as part of the next application(s). She excused herself from the deliberations of the rest of the meeting & exited the building.

**Application No.: Z-2020-11-1 Tracy Hickey** *(continuation of hearing)*

437 W. 19<sup>th</sup> Avenue

Block 89, Lot 4

R-2 Zoning District

"d(6)" Use Variance – height, "c" variance approval – single-family dwelling construction

This application reflects the 2<sup>nd</sup> hearing on this application. Revised plans were submitted to the Board for consideration. The Board conducted regular meetings on January 13, 2021 & February 10, 2021.

The Board heard & considered the application of Tracy Hickey who proposes to construct a single-family dwelling on a vacant lot located at 437 West 19<sup>th</sup> Avenue, Block 89, Lot 4 in the City's R-2 Zoning District. The Applicant is requesting 'C' variance relief in connection with maximum building height, minimum lot area & minimum lot frontage/width. Subsequent revised plans removed the need for sideyard setbacks variance relief. A "d(6)" building height Use variance is required for proposed height over the permitted maximum height of 24 feet from Base Flood Elevation (BFE).

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 and the relief sought in connection with same. Mr. Barnes informed the Board that the Property is a waterfront, undersized lot containing 3,150SF located in the R-2 Zoning District. He stated that the Applicant intends to construct a single-family dwelling on site. Mr. Barnes reviewed the variances sought in connection with this Application. A variance for minimum sideyard setbacks was initially requested; however, the Applicant revised the proposed plans during the pendency of this



Application which eliminated same. At the Board's February 10, 2021 meeting, Mr. Barnes advised the Board that the Applicant redesigned the proposed structure in order to address the concerns raised by neighboring property owners. He indicated that the depth of the proposed structure was reduced in size by seven (7) ft. & habitable floor space was decreased by approximately 136SF to 140SF per floor. Mr. Barnes indicated that the proposed den & computer room were eliminated in order to address the Board's concerns in regards to off-street parking. Mr. Barnes stated that the structure itself could provide a larger building footprint; however, the Applicant recognizes that same would equate too overbuilding the lot & would have a negative impact on neighboring property views. He indicated that reducing the size of the structure by seven (7) feet addresses the majority of the concerns raised by objectors.

Tracy Hickey, the owner of the Property, appeared & was placed under oath to testify before the Board. Ms. Hickey informed the Board that the property has been vacant for the past 24-years. A single-family dwelling previously existed on site which was demolished. Ms. Hickey advised the Board that she is seeking approval in order to develop a new single-family dwelling with four (4) bedrooms. She indicated that she intends to utilize the home as her primary residence. Ms. Hickey testified that the lot in question is undersized which necessitated designing a taller home rather than a deeper home on site. She further stated that the requested building height variance will allow for two (2) floors of living space. Ms. Hickey testified that she believes that the proposed home will complement the surrounding neighborhood. Ms. Hickey testified that she elected to revise the proposed floor/building plans following the January 13, 2021 hearing in order to address concerns raised by neighboring property owners. Ms. Hickey advised the Board that the home could be constructed within five (5) ft. of the bulkhead, and could be approximately 10ft. longer than that which is proposed. She indicated that building coverage would increase; however, it would still comply with the requirements of the R-2 Zoning District. She felt that reducing the depth of the structure in exchange for increasing building height was a better alternative.

Joseph Garramone, R.A., a registered architect with Garramone Architects, LLC, also appeared before the Board. Mr. Garramone was placed under oath & he testified from the proposed site plan, floor plans & elevations submitted to the Board, consisting of two (2) sheets, dated January 19, 2021, which were received by the Board & which are incorporated herein as fact. Mr. Garramone was accepted by the Board as an expert in the field of architecture. Mr. Garramone reviewed the proposed floor plans & building elevations for the benefit of the Board. Mr. Garramone testified that the proposed structure is a 3-story single-family dwelling. He advised the Board that the ground floor consists of a garage & storage area which provides access to a rear yard patio. The 2nd floor is located nine (9) ft. above grade & contains a living room, kitchen, dining room, & a bedroom. The 3rd floor contains three (3) bedrooms.

Several Board members expressed concerns in relation to the number of proposed bedrooms & the fact that the proposed den & computer room would likely be utilized as an additional bedroom thereby impacting parking. Ms. Hickey testified that she envisions her children coming down with friends during the summer months. She indicated that the den & computer room would not be used as additional bedrooms. Board Members indicated that more people on site creates more parking issues. Original plans contained a den & a proposed computer room which were removed by the Applicant following the January meeting with revised plan submittal for the February meeting.

Mr. Garramone testified that HVAC mechanicals are located in the side yard & they will be recessed into the building so as to not violate the required side yard setback. Mr. Garramone further testified that, in light of the undersized lot, maximum permitted building height is 24ft. whereas the Applicant is proposing 28ft. in order to accommodate the proposed 3rd floor & to ensure that the required roof pitch is met. Mr. Garramone



informed the Board that a number of 3-story homes exist in the surrounding neighborhood. He advised the Board that if the property was a conforming lot maximum building height would be permitted to be 32ft. Mr. Garramone's revised floor plans depict a reduction in building depth by seven (7) feet. He testified that the reduction in building size does not eliminate off-street parking. Mr. Garramone opined that the redesigned structure maintains the views of neighboring property owners. Mr. Garramone distributed a color rendering of the proposed structure which was received by the Board & which was marked as Exhibit A-1.

John Halbruner, P.E., R.A., a professional engineer & registered architect, with the Hyland Design Group appeared before the Board on behalf of the Applicant. Mr. Halbruner testified from the proposed siteplan, dated November 3, 2020, revised 12/10/2020 & January 25, 2021, which was received by the Board & which is incorporated herein as fact. Mr. Halbruner was accepted by the Board as an expert in the fields of engineering & architecture and he was placed under oath & sworn in to testify. Mr. Halbruner testified that four (4) bedrooms are proposed on site. He originally testified that the den & computer room were additional rooms that would be utilized by the Applicant as recreational spaces; however, these rooms were eliminated following the first meeting. Mr. Halbruner testified that the building is proposed to be constructed with a maximum height of 28ft. so as to allow parking on the ground floor. Mr. Halbruner further testified that eliminating the ground floor parking area in order to comply with maximum building height would reduce available living space to 1,000SF whereas 2,000SF is currently proposed. The site would also provide no off-street parking. Mr. Halbruner opined that the Applicant is experiencing a hardship in relation to the fact that the Property is an undersized lot. Mr. Halbruner testified that the structure could be significantly larger than that which is proposed. He argued that the proposed four (4) ft. increase in building height has virtually no impact on building mass & view corridors whereas increasing building depth would significantly impact neighboring properties. Mr. Halbruner opined that the proposed structure will be consistent with the surrounding neighborhood. He noted that both building & lot coverage do not exceed that which is permitted in the Zoning District, and he acknowledged that while this will be a smaller home than that which exists within the neighborhood it will be in proportion with same. Mr. Halbruner reviewed the structures that exist in the surrounding neighborhood in comparison to what's proposed by the Applicant. Mr. Halbruner advised the Board that the proposed use is permitted within the Zoning District. He argued that increasing building height rather than building depth is a better alternative to address concerns raised by neighbors. Mr. Halbruner opined that the proposed structure will not negatively impact the view corridors of neighboring properties. Mr. Halbruner advised the Board that, with the exception of the undersized lot & building height variance, the proposed structure conforms to the area & bulk requirements of the Zoning District. Mr. Halbruner opined that the Property can accommodate the proposed increase in building height. He argued that the structure itself could be made 25% larger than that which is proposed; however, rather than increase the mass of the proposed building the Applicant is seeking an increase in building height. Mr. Halbruner opined that the variance relief sought by the Applicant is appropriate as the proposed development advances several of the purposes of zoning set forth within N.J.S.A. 40:55D-2, namely;

- e. The project promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- 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
- 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;



Mr. Halbruner 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 or purpose of the Zoning Map & Ordinance as the proposed development is consistent with the surrounding neighborhood.

The Board was in receipt of a review memorandums prepared by Board Engineer Mr. Petrella, dated January 6, 2021 & February 2, 2021, which were received by the Board & which are incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board.

A discussion ensued in regards to off-street parking & compliance with the City's Ordinance. Mr. Halbruner advised the Board that a four (4) bedroom structure requires 2.5 off-street parking spaces whereas two (2) off-street parking spaces are proposed. He advised the Board that the New Jersey Residential Site Improvement Standards (RSIS) allows the Board to recognize the fractional space as de minimis & it can disregard same. The Board elected to round required off-street parking down to two (2) off-street parking spaces thereby eliminating the need for a parking variance.

Chairman Davis then opened the application for public comment. A total of eight (8) members of the public addressed the Board in connection with this application, namely:

- a. Eric Garrabrant, Esq., an attorney representing a number of objecting property owners, appeared before the Board.
  - i. Mr. Garrabrant distributed two (2) photographs depicting the Property which were received by the Board & which were marked as Exhibit O-1, a drawing depicting lot depths of neighboring properties & the proposed single-family dwelling which was received by the Board & which was marked as Exhibit O-2, and a drawing which depicts the height & setbacks of neighboring properties & the Property which was received by the Board and which was marked as Exhibit O-3. It should be noted that the Applicant's attorney objected to the Board's consideration of Exhibit O-2 & O-3.
  - ii. Mr. Garrabrant advised the Board that he is representing a total of ten (10) objectors who have an issue with the building height of the proposed structure. Mr. Garrabrant argued that the Applicant must show special reasons which advance the purposes of zoning in order to support the granting of a D(6) height variance. He indicated that the Applicant has failed to carry this burden.
  - iii. Mr. Garrabrant reviewed the City Ordinance which reduces building height in relation to lot width in the R-2 Zoning District. He argued that this restriction was implemented in order to prevent undersized lots from being overbuilt which is what the Applicant is proposing to do.
  - iv. Mr. Garrabrant argued that building height restrictions are meant to maintain light, air & open space & the requested variance will negatively impact same.
  - v. Mr. Garrabrant opined that the proposed building height is inconsistent with the neighborhood and with neighboring properties.
- b. Carol Boylan-Baker, owner of the property located at 435 West 19<sup>th</sup> Avenue, appeared & she was placed under oath to testify before the Board. Ms. Boylan-Baker testified that she drew Exhibits O-2 & O-3. She acknowledged that she is not a professional planner, professional engineer, or a registered architect. Ms. Boylan-Baker testified that the plans were drawn using available blueprints & the Applicant's proposed plans. Ms. Boylan-Baker testified that the Applicant's proposal will negatively impact views despite the revisions made to the plans.
- c. Joe Chelhowski, owner of the property located at 439 West 19<sup>th</sup> Avenue, appeared & he was placed under oath to testify before the Board. Mr. Chelhowski raised concerns in relation to the size of the proposed structure in relation to the size of the lot. He indicated that he was concerned about parking, building height in comparison to lot width, grading & drainage, and off-street parking issues. Mr. Chelhowski indicated that the proposed structure is too large for the undersized lot.

- d. Maryann Shea-Boylan, owner of the property located at 435 West 19<sup>th</sup> Avenue, appeared & she was placed under oath to testify before the Board. Ms. Shea-Boylan reviewed the history of the neighborhood, and she advised the Board that her family has owned her property for approximately 84 years. She expressed concerns in relation to the size of the proposed structure & its impact on views.
- e. William Boylan, owner of the property located at 435 West 19<sup>th</sup> Avenue, appeared & he was placed under oath to testify before the Board. Mr. Boylan raised concerns in relation to the size of the lot & the proposed structure. He stated that the proposed structure is too large for the lot.
- f. Daniel Murphy, owner of the property located at 433 West 19<sup>th</sup> Avenue, appeared & he was placed under oath to testify before the Board. Mr. Murphy advised the Board that 10ft. of the Property is located in the water/tidal lands & should not be considered in connection with this Application. He expressed concerns in relation to parking, building height in relation to lot size, and the impact that the proposed structure would have on his views of the waterway.
- g. Susie Shea-Miller, owner of the property located at 431 West 19<sup>th</sup> Avenue, appeared & she was placed under oath to testify before the Board. Ms. Shea-Miller advised the Board that the Applicant's proposal would be detrimental to the neighborhood. She argued that the Applicant's proposal is excessive & seeks to overbuild on the undersized lot.
- h. Chris Boylan, owner of the property located at 435 West 19<sup>th</sup> Avenue, appeared & he was placed under oath to testify before the Board. Mr. Boylan indicated that he was concerned about the size of the structure in relation to the size of the lot. He indicated that the Applicant's proposal seeks to overbuild an undersized lot.
- i. Pam Lairdieson, owner of the property located at 433 West 19<sup>th</sup> Avenue, appeared & she was placed under oath to testify before the Board. Ms. Lairdieson testified that she believed that the Applicant's proposal was excessive & should not be approved.

No additional members of the public came forward to testify in favor or against the application. Accordingly, Chairman Davis closed the application to 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 Applicant is the owner of the Property, as such, has standing to appear before the Board requesting Use Variance approval/siteplan approval. The Applicant is proposing to construct a single-family dwelling on an undersized lot. The Applicant is requesting a D(6) building height variance & 'C' variance relief in relation to minimum lot area, minimum lot width/frontage. The Applicant submitted revised plans during the pendency of the Applicant which eliminated a requested sideyard setback variance & which reduced the building depth by seven (7) feet. The Board received testimony from the owner of the property, Tracy Hickey. Ms. Hickey testified to the history of the Property. She advised the Board that she is proposing to construct a single-family dwelling to be used as her primary residence. Ms. Hickey testified that she revised proposed plans in order to address concerns raised by neighboring property owners in relation to the impact that the structure may have on their water views. The Board found Ms. Hickey's testimony to be credible. The Board is in receipt of proposed architectural plans prepared by Joseph Garramone, RA, dated January 19, 2021. Mr. Garramone appeared before the Board & testified as an expert witness on behalf of the Applicant. Mr. Garramone reviewed the proposed plans for the benefit of the Board. The Board found Mr. Garramone's testimony to be credible & persuasive. Mr. Halbruner provided testimony to in relation to the proposed building height in comparison to permitted building depth. Mr. Halbruner opined that the Applicant's proposal to increase building height while reducing building depth is a better alternative for the site, and same addresses concerns raised by neighboring property owners. Mr. Halbruner provided testimony to in relation to the proposed building height in



comparison to permitted building depth. Mr. Halbruner opined that the Applicant's proposal to increase building height while reducing building depth is a better alternative for the site, and same addresses concerns raised by neighboring property owners. Mr. Halbruner opined that the Applicant is experiencing a hardship in relation to the undersized lot & he argued that the Applicant's proposal advances several purposes of Zoning can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance. The Board found Mr. Halbruner's testimony to be credible & persuasive. The Board received testimony from eight (8) objectors who all expressed concerns in relation to proposed building height and the impact that same would have on views of the waterway. Objectors raised concerns in relation to the proposed building depth and argued that the Applicant's proposal is excessive and seeks to overbuild an undersized lot. The Board finds that the Applicant has satisfied the requirements for Use Variance/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. O'Connell & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Ms. Haas abstained on the vote. Mr. Peters was excused from the vote. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

Board members Chairperson Davis & Chief Gallagher had announced a conflict of interest on the next application. They excused themselves from the deliberations of the next application & exited the Board dais & seated themselves in the public seating area for the next application.

Vice Chair DiEduardo was appointed temporary Chairman of the Board for the two (2) forthcoming application(s).

**Application No: Z-2020-12-3 MW of Wildwood, LLC**

200 W. Chestnut Avenue

Block 158, Lot 12.01

R-2 Zoning District

"d(3)" Conditional Use/siteplan approval – New Duplex construction

The Board heard & considered the application of MW of Wildwood, LLC (Applicant), the contract-purchaser of the property located at 200 West Chestnut Avenue, a/k/a Block 158, Lot 12.01 (Property), seeking a D(3) Conditional Use variance as the proposed use does not meet the minimum required frontyard setback (10ft. is required whereas 4.6ft. is proposed), in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

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 stated that the Applicant is the contract-purchaser of the Property & is proposing the development of a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Barnes noted that this application & the relief sought is identical to the proceedings Application # Z-2020-12-4. Mr. Barnes recited the history of the City's decision to permit duplex development on 50ft. x 100ft. lots in the R-2

Zoning District as Conditional Uses, and he reviewed the applicable conditions for the benefit of the Board. Mr. Barnes advised the Board that the proposed duplexes are designed so as to appear as if they are single-family dwellings. Mr. Barnes informed the Board that the Property is a corner lot which contains frontage on New York & West Chestnut Avenue(s) and proposes frontyard setbacks of 10ft. & 4.6ft respectively. Mr. Barnes indicated that the proposed duplex conforms with all of the area & bulk requirements of the R-2 Zoning District with the exception of the required frontyard setback. A 10ft. setback is required whereas 10ft. (West Chestnut Avenue) & 4.6ft. frontyard setbacks (New York Avenue) are proposed. Mr. Barnes advised the Board that in light of the fact that the proposed frontyard setback along New York Avenue does not meet the required condition a D(3) Conditional Use Variance is requested.

Brian Newswanger, RA of Atlantes Architects 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 site & architectural plans, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reviewed the proposed siteplan for the benefit of the Board. He testified that the Applicant is proposing the construction a duplex that will face West Chestnut Avenue & a duplex that will face New York Avenue. Mr. Newswanger reviewed the conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. He testified that the proposed duplex is limited to two (2) habitable floors, has one (1) visible entrance & the 2nd entrance is recessed within the garage area, contains a 5/12 roof pitch, an asymmetrical façade, and it is designed in a traditional seashore style. Mr. Newswanger testified that the proposed duplex conforms to all area & bulk requirements except for the required minimum frontyard setback as 10ft. is required whereas 4.6ft. is proposed along New York Avenue. Mr. Newswanger reviewed the proposed floor plans & building elevations for the benefit of the Board. He advised the Board that each unit will contain a total of four (4) bedrooms. Mr. Newswanger testified that in light of the number of bedrooms proposed, each unit will require a total of 2.5 off-street parking spaces for a total of five (5) off-street parking spaces per duplex. He advised the Board that each duplex provides a total of six (6) off-street parking spaces thereby exceeding the City's parking requirements; however, only five (5) parking spaces can be counted. Mr. Newswanger advised the Board that one (1) off-street parking space is proposed in front of each unit's garage, & two (2) staggered off-street parking spaces are proposed inside of each unit's garage. Mr. Newswanger reviewed the proposed color renderings & building elevations for the benefit of the board. He stated that balconies will face 1<sup>st</sup> Avenue, and the front façade will have a gabled bay for aesthetic purposes. Mr. Newswanger testified that complying with the required frontyard setback on New York Avenue would prevent the construction of the proposed duplexes as a compliant frontyard setback would significantly reduce living space & would likely reduce the units to two (2) bedrooms. Mr. Newswanger testified that a bump-out is proposed for each structure which will project a total of 20 inches into the setback, and, in an effort to improve aesthetics, the proposed bump-outs will be brought down to grade with the center area of said bump-out recessed in order to create a desirable visual environment. As a condition of approval, the Applicant will submit revised plans showing that the bump-outs located along New York Avenue will be brought all the way down to ground level. Mr. Newswanger opined that the proposed duplexes are consistent with the surrounding neighborhood.

Board members questioned the location of proposed HVAC mechanicals. As a condition of approval, the Applicant will incorporate decorative shielding around HVAC units to provide a visual & sound buffer.

John Halbruner, P.E., R.A., a Professional Engineer & Registered Architect, appeared before the Board on behalf of the Applicant. Mr. Halbruner was accepted by the Board as an expert in the fields of engineering & architecture, and he was placed under oath & sworn in to testify. Mr. Halbruner reviewed the variance relief sought in connection with the Application for the benefit of the Board. He reiterated the required conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Halbruner



testified that all required conditions are met with the exception of the frontyard setbacks along New York Avenue. Mr. Halbruner opined that the site can accommodate the proposed duplexes even with the deficient frontyard setback. He indicated that this site is particularly suited to accommodate the proposed duplex use. Mr. Halbruner 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 or purpose of the Zoning Map & Ordinance as the proposed development is consistent with the surrounding neighborhood. Mr. Halbruner testified that the Applicant's proposal is consistent with development in the surrounding neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 2, 2021, 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.

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

Harry Murray, owner of the property located at 139 West 1<sup>st</sup> Avenue, appeared before the Board & he was placed under oath & was sworn in to testify. Mr. Murry expressed concerns with the proposed development of duplexes within the neighborhood in light of the parking issues that currently exist.

No additional members of the public came forward to testify in favor or against the application. Accordingly, Chairperson DiEduardo closed the application to 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 Applicant is the owner of the Property, as such, has standing to appear before the Board requesting Conditional Use siteplan approval. The Board found the proposed development meets or exceeds all of the conditions set forth within the Ordinance. The Applicant's proposal meets all required conditions associated with the development of a single-family semi-detached dwelling on a 50ft. x 100ft. lot within the City's R-2 Zoning District. He opined that the structure had been designed in order to appear as if it were a single-family dwelling as required by the City's Ordinance. The Board found Mr. Newswanger's testimony to credible & persuasive. The Applicant agreed to the following condition of approval: The Board found one of the enumerated conditions is a subjective standard which requires that the Board find that the proposed structure is developed so as to appear as if it were a single-family dwelling. The Ordinance requires that the structure maintain a traditional seashore style, present only one (1) entrance to the structure on the street side of the building, & present an asymmetrical front façade & off-set decks. The Board has determined that the relief requested by the Applicant can be granted as the Applicant has met all required conditions set forth within Ordinance §276-16(F). The Board indicated that if the Board finds that all required conditions have been met, the Applicant is entitled to Conditional Use siteplan approval. The purposes of the Zoning law would be advanced by the proposed development in approval of the Conditional Use. The Board finds that the Applicant has satisfied the requirements for Conditional Use/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. 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 application was approved by the Board.

**Application No: Z-2020-12-4 MW of Wildwood, LLC**

201 W. 1<sup>st</sup> Avenue

Block 158, Lot 12.02

R-2 Zoning District

“d(3)” Conditional Use/siteplan approval – New Duplex construction

The Board heard & considered the application of MW of Wildwood, LLC (Applicant), the contract-purchaser of the property located at 201 West 1<sup>st</sup> Avenue, a/k/a Block 158, Lot 12.02 (Property), seeking a D(3) Conditional Use variance as the proposed use does not meet the minimum required frontyard setback (10ft. is required whereas 4.6ft. is proposed), in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

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 stated that the Applicant is the contract-purchaser of the Property & is proposing the development of a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Barnes noted that this application & the relief sought is identical to the previous Application # Z-2020-12-3. Mr. Barnes recited the history of the City's decision to permit duplex development on 50ft. x 100ft. lots in the R-2 Zoning District as Conditional Uses, and he reviewed the applicable conditions for the benefit of the Board. Mr. Barnes advised the Board that the proposed duplexes are designed so as to appear as if they are single-family dwellings. Mr. Barnes informed the Board that the Property is a corner lot which contains frontage on New York & West 1<sup>st</sup> Avenue(s) and proposes frontyard setbacks of 10ft. & 4.6ft respectively. Mr. Barnes indicated that the proposed duplex conforms with all of the area & bulk requirements of the R-2 Zoning District with the exception of the required frontyard setback. A 10ft. setback is required whereas 10ft. (West 1<sup>st</sup> Avenue Avenue) & 4.6ft. frontyard setbacks (New York Avenue) are proposed. Mr. Barnes advised the Board that in light of the fact that the proposed frontyard setback along New York Avenue does not meet the required condition a D(3) Conditional Use Variance is requested.

Brian Newswanger, RA of Atlantes Architects 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 site & architectural plans, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reviewed the proposed siteplan for the benefit of the Board. He testified that the Applicant is proposing the construction a duplex that will face 1<sup>st</sup> Avenue & a duplex that will face New York Avenue. Mr. Newswanger reviewed the conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. He testified that the proposed duplex is limited to two (2) habitable floors, has one (1) visible entrance & the 2nd entrance is recessed within the garage area, contains a 5/12 roof pitch, an asymmetrical façade, and it is designed in a traditional seashore style. Mr. Newswanger testified that the proposed duplex conforms to all area & bulk requirements except for the required minimum frontyard setback as 10ft. is required whereas 4.6ft. is proposed along New York Avenue. Mr. Newswanger reviewed the proposed floor plans & building elevations for the benefit of the Board. He advised the Board that each unit will contain a total of four (4) bedrooms. Mr. Newswanger testified that in light of the number of bedrooms proposed, each unit will require a total of 2.5 off-street parking spaces for a total of five (5) off-street parking spaces per duplex. He advised the Board that each duplex provides a total of six (6) off-street parking spaces



thereby exceeding the City's parking requirements; however, only five (5) parking spaces can be counted. Mr. Newswanger advised the Board that one (1) off-street parking space is proposed in front of each unit's garage, & two (2) staggered off-street parking spaces are proposed inside of each unit's garage. Mr. Newswanger reviewed the proposed color renderings & building elevations for the benefit of the board. He stated that balconies will face 1<sup>st</sup> Avenue, and the front façade will have a gabled bay for aesthetic purposes. Mr. Newswanger testified that complying with the required frontyard setback on New York Avenue would prevent the construction of the proposed duplexes as a compliant frontyard setback would significantly reduce living space & would likely reduce the units to two (2) bedrooms. Mr. Newswanger testified that a bump-out is proposed for each structure which will project a total of 20 inches into the setback, and, in an effort to improve aesthetics, the proposed bump-outs will be brought down to grade with the center area of said bump-out recessed in order to create a desirable visual environment. As a condition of approval, the Applicant will submit revised plans showing that the bump-outs located along New York Avenue will be brought all the way down to ground level. Mr. Newswanger opined that the proposed duplexes are consistent with the surrounding neighborhood.

Board members questioned the location of proposed HVAC mechanicals. As a condition of approval, the Applicant will incorporate decorative shielding around HVAC units to provide a visual & sound buffer. Board Member Mr. O'Connell also questioned the location of any electric meter on the duplex as established by the utility, Atlantic City Electric. A detail & extensive discussion among the Board members, Mr. Newswanger & Mr. Barnes on the aspect of the location of possible electric meters & its relationship to the required setbacks as required by the Ordinance. Platforms to view the electric meter, if mounted six (6) feet or more from grade are required by the utility and the NJ Dept. of Community Affairs (NJCA) under Uniform Construction Code (UCC). While the aspect of proposed electric meter could potentially violate the required setbacks, its is a possibly this question could not be answered by the Board at this time. Future discussion on the subject is warranted by the Board.

John Halbruner, P.E., R.A., a Professional Engineer & Registered Architect, appeared before the Board on behalf of the Applicant. Mr. Halbruner was accepted by the Board as an expert in the fields of engineering & architecture, and he was placed under oath & sworn in to testify. Mr. Halbruner reviewed the variance relief sought in connection with the Application for the benefit of the Board. He reiterated the required conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Halbruner testified that all required conditions are met with the exception of the frontyard setbacks along New York Avenue. Mr. Halbruner opined that the site can accommodate the proposed duplexes even with the deficient frontyard setback. He indicated that this site is particularly suited to accommodate the proposed duplex use. Mr. Halbruner 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 or purpose of the Zoning Map & Ordinance as the proposed development is consistent with the surrounding neighborhood. Mr. Halbruner testified that the Applicant's proposal is consistent with development in the surrounding neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 2, 2021, 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.

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

Harry Murray, owner of the property located at 139 West 1<sup>st</sup> Avenue, appeared before the Board & he was placed under oath & was sworn in to testify. Mr. Murry expressed concerns with the proposed development of duplexes within the neighborhood in light of the parking issues that currently exist.

No additional members of the public came forward to testify in favor or against the application. Accordingly, Chairperson DiEduardo closed the application to 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 Applicant is the owner of the Property, as such, has standing to appear before the Board requesting Conditional Use siteplan approval. The Board found the proposed development meets or exceeds all of the conditions set forth within the Ordinance. The Applicant’s proposal meets all required conditions associated with the development of a single-family semi-detached dwelling on a 50ft. x 100ft. lot within the City’s R-2 Zoning District. He opined that the structure had been designed in order to appear as if it were a single-family dwelling as required by the City’s Ordinance. The Board found Mr. Newswanger’s testimony to credible & persuasive. The Applicant agreed to the following condition of approval: The Board found one of the enumerated conditions is a subjective standard which requires that the Board find that the proposed structure is developed so as to appear as if it were a single-family dwelling. The Ordinance requires that the structure maintain a traditional seashore style, present only one (1) entrance to the structure on the street side of the building, & present an asymmetrical front façade & off-set decks. The Board has determined that the relief requested by the Applicant can be granted as the Applicant has met all required conditions set forth within Ordinance §276-16(F). The Board indicated that if the Board finds that all required conditions have been met, the Applicant is entitled to Conditional Use siteplan approval. The purposes of the Zoning law would be advanced by the proposed development in approval of the Conditional Use. The Board finds that the Applicant has satisfied the requirements for Conditional Use/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. 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.

At the conclusion of the application(s), both Chairperson Davis & Chief Gallagher returned to their respective seats on the Board to participate in the rest of the meeting. Chairman Davis resumed the Chair for the rest of the meeting.

I) ZONING OFFICER REPORT:

As the Zoning Officer, Dan Speigel, was away for vacation, no report was taken.

J) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. No further public members wished to speak on behalf of the meeting or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.



J) APPROVAL OF MINUTES: –

The Board Solicitor presented to the Board the approval of January 13, 2021 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. Mr. Peters mentioned a correction made upon adoption. Motioned as proposed by Mr. Harkins & 2<sup>nd</sup> by Ms. Haas. Mr. Peters 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

Board Secretary announced response from LJ Property Management (aka Bubba Liquors Stores) announced construction of on the development will start immediately.

Marina Bay Towers application/siteplan is expected. The Board decided that this application should be reserved for a Special Meeting.

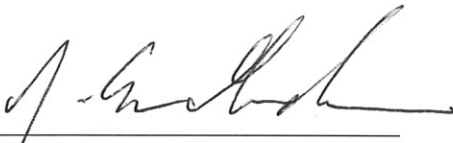
M) REPORTS: None presented.

N) MEETING ADJOURNED:

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

APPROVED: \_\_\_\_\_

2/11/21  
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.*

