

North Wildwood Planning Board
 Regular Meeting: June 9, 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	Absent	Mr. William Green	Absent
Mr. John Harkins	Absent	Councilman David Del Conte	Absent
Mr. George Greenland	Present	Mr. James M. Flynn	Absent
Mr. Bill Auty (Alt. 1)	Present	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-19-4-1(A) 101 East Walnut Real Estate Adventures, LLC

(aka The Inlet Restaurant)

101 East Walnut Avenue

Block 222, Lot 1

D/E Zoning District

“c” variance – parking - Amended siteplan approval (convert outdoor seating to indoor seating)

The Board heard & considered the application of 101 E. Walnut Avenue Real Estate Ventures, LLC (Applicant), owner of the property located at 101 E. Walnut Avenue, a/k/a Block 222, Lot 1, seeking amended preliminary & final siteplan approval & a parking variance (46 off-street parking spaces are required whereas 37 off-street parking spaces are proposed), in order to an outdoor patio area located at the corner of New Jersey & Walnut Avenues. The Zoning District is Dining & Entertainment (D/E).

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. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Application No.: Z-2021-3-2 Matthew & Linda Pietrzak

1309 Atlantic Avenue

Block 269, Lot 1

R-1 Zoning District

Use Variance – expansion of non-conforming use

The Board heard & considered the application of Mathew & Linda Pietrzak (Applicant), owners of the property located at 1309 Atlantic Avenue, a/k/a Block 269, Lot 1 (Property), seeking a d(2) Use variance for the expansion of a non-conforming use & ‘c’ variance relief related to minimum sideyard setback (10ft. is required whereas 3.6ft. is proposed), minimum rearyard setback (10ft. is required whereas 3.6ft. is proposed), minimum distance between accessory structure & principal structure (eight (8) ft. is required whereas four one-half (4.5)ft. is proposed), and off-street parking (four (4) off-street parking spaces are required whereas three (3) off-street parking spaces exist), in order to renovate the existing duplex structure to replace an existing 2nd floor deck & construct a storage area in the rear of the structure. The Zoning District is R-1.

The Board Solicitor called for a motion to approve the memorialization of 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. The following Board member abstained from the vote; Ms. DeJoseph. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Application No.: P-2021-2-2 Thomas McGlone

209 East 6th Avenue

Block 246, Lot 19

R-1 Zoning District

“c” variance – sideyard setback relief

The Board heard & considered the application of Thomas McGlone (Applicant), owner of the property located at 209 East 6th Avenue, a/k/a Block 246, Lot 19 (Property), seeking ‘c’ variance relief in relation to minimum sideyard setback (eight (8) ft. is required whereas eight (8) ft. & seven (7) ft. are proposed) and total sideyard setback (20ft. is required whereas 15ft. is proposed), in order to address a deficient sideyard setback in relation to an already constructed single-family dwelling. The property is located in the R-1 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. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Application No.: P-18-5-3 (A) Benjamin Masino

119 East Walnut Ave Avenue
Block 222, Lot 16
R-1.5 Zoning District
D(6) Use/Height Variance,

The Board heard & considered the application of Benjamin Masino (the “Applicant”), the owner of the property located at 119 E. Walnut Avenue a/k/a Block 222, Lot 16 (Property), seeking a d(6) Use/Height variance (24ft. is permitted whereas 38ft. is currently existing & proposed), in order to address a mathematical error associated with the height measurement of the building presented on the Applicant’s plans approved & memorialized in Resolution P-18-5-3. The Property is located in the R-1.5 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Vice Chair DiEduardo & 2nd by 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. The following Board member abstained from the vote; Ms. DeJoseph. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Application No: Z-2021-1-1 Sunshine Shore Properties, LLC

511 East 11th Avenue
Block 416, Lot 6
OS Zoning District
D(1) Use Variance, a D(5) Density Variance siteplan approval, w/ “c” variances

The Board Solicitor gave a brief summary of the application that has been continuation of the March 10, 2021 meeting. The Board Solicitor reiterated that this is a new application for approval of the Board. All present Board members will be eligible to vote on the application.

The Board heard and considered the application of Sunshine Shore Properties, LLC (the “Applicant”), owner of the property located at 511 East 11th Avenue, a/k/a Block 416, Lot 6 (the “Property”), seeking preliminary siteplan approval, a d(1) Use Variance to permit residential apartments in the Oceanside (OS) Zoning District, a d(5) Use density variance, and ‘c’ variance relief in relation to parking (25 off-street parking spaces are required whereas 12 parking spaces are proposed), in order to convert an existing 24 unit motel to 10 residential apartments/condominium units. The Zoning District is Oceanside (OS).

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Vice Chair DiEduardo & 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. The following Board member abstained from the vote; Ms. DeJoseph. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

H) NEW BUSINESS:

Application No.: P-21-4-1 O'Halloran

314 Central Avenue

Block 217, Lot 9

R-1 Zoning District

Minor Subdivision approval, w "c" variance for Lot Area & Depth

The Board heard & considered the application of Byran & Ann O'Halloran (Applicant), owners of the property located at 314 Central Avenue, a/k/a Block 217, Lot 96 (Property), seeking minor subdivision approval with 'C' variance relief in relation to minimum Lot Area (5,000 sq. ft. is required whereas 4,500 sq. ft. is proposed) & Lot Depth (100 feet is required whereas 90 feet is proposed), in order to subdivide the existing lot into two (2) new lots. The Property is located in the R-1 Zoning District.

Andrew Catanese, Esq. of the law offices of Monzo, Catanese & Hillegeass, P.C. appeared on behalf of the Applicant. Mr. Catanese outlined the nature of the application & the relief sought in connection with same. Mr. Catanese stated that the Property is located at 314 Central Avenue, corner of Central & 4th Avenues in the City's R-1 Zoning District & it is currently un-developed as a vacant lot. Mr. Catanese advised the Board that the Applicant is proposing to single-family homes on the proposed two (2) lots.

The Board is in receipt of minor subdivision plan which were prepared by Dante Guzzi Engineering, dated February 16, 2021, which are incorporated herein as fact.

John Helbig, P.P., a professional planner, appeared before the Board on behalf of the Applicant. Mr. Helbig was accepted by the Board as an expert in the field of planning & he was placed under oath & sworn in to testify. Mr. Helbig reviewed the relief sought in connection with the Application for the benefit of the Board. He reiterated the required conditions associated with the development of a single-family dwellings on a 50ft. x 100ft. lot vs. the proposed lots of 50ft. x 90ft. lots in the R-1 Zoning District. Mr. Helbig testified that all required conditions would be met with the exception of the Lot Area/Lot Depth for the proposed lots. Mr. Helbig opined that the corner lot can accommodate the proposed single-family dwelling even with the deficient Lot Area/Lot Depth. He indicated that this site is particularly suited to accommodate the proposed single-family use, and he reiterated that all remaining conditions will be met by the Applicant. Mr. Helbig testified that the Applicant's proposal is an architectural enhancement to the neighborhood & will result in the development of two (2) new structures that are more in keeping with the surrounding neighborhood. Mr. Helbig 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 & Land Development Ordinance as the proposed development is consistent with the surrounding neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated May 25, 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.

The Board had several discussions over the under-sized lot(s), parking needs & density of the project & neighborhood character. Chairman Davis reiterated that the Master Plan did not call for reduced lot sizes in the

R-1 Zoning District, as this project envisions. Board member Mr. O’Connell expressed the traffic conditions typically experienced in this area during the summertime. Vice Chair DiEduardo reiterated the Master Plan involvement of the Board members was a significant effort with the R-1 Zoning District a particular focus.

The Board took a five (5) minute recess while the attorney conferred with his client. The Board granted the request. Upon return of same, the Board commence the meeting/application once again.

Mr. Catanese had requested tabling the application after consulting his client & wishing to re-evaluate the application & plans to make the development more pleasing to the Board. After considerable debate by the Board & the Applicant’s experts, the application was tabled until the next Board meeting of July 14, 2021, with revised plans to be submittal for review by the Board & its professionals in advance of the meeting. The Board Solicitor announced no further public notice is required for the application, unless a substantial change is made to the application, then a new public notice would be required. That will not be known until the Applicant submits the re-design of plans. The Applicant & attorney for Applicant accepted the motion to table the application.

A member of the public came up to the Board to object the adjournment request of the Applicant for this application. Mr. George McNeeley wanted to speak regarding the application. The Board Solicitor & Board Chairman informed Mr. McNeeley that the application was not in the “Public Comment” portion of the application & with the adjournment request, the application would not have a public comment portion until the application is heard again. The Board Chairman polled the Board members whether the adjournment request can be granted & the Board members granted the request.

The Board Solicitor announced to the public that this application will be adjourned to the July 14, 2021 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

Application No.: P-2021-3-1 Christopher O’Shaughnessy

305 East 7th Avenue
Block 276, Lot 16
R-1 Zoning District
“c” Variance – sideyard setback variance

The Board heard & considered the application of Christopher and Donna O’Shaughnessy (Applicant), owners of the property located at 305 East 7th Avenue, a/k/a Block 276, Lot 16 (Property), seeking ‘C’ variance relief in relation to minimum sideyard setback (eight (8) feet is required whereas four (4) feet is proposed), in order to construct exterior stairs providing access to an existing 2nd floor deck.

Alan Gould, Esq. of the Law Offices of Alan I. Gould, P.C. located in Wildwood, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Gould advised the Board that the property is currently developed with a single-family home. He indicated that the Applicant has been in the process of renovating the existing structure & has made significant improvements to same. Mr. Gould indicated that a 2nd-floor deck was recently constructed which complies with all setback requirements; however, no stairs were constructed due to the variance request in order to provide access to same from the ground floor. Mr. Gould stated that the Applicant is proposing to construct ingress/egress stairs to access the 2nd-floor deck in the location of an existing 1st-floor stoop. He indicated that a minimum eight (8) feet sideyard setback is required whereas a four (4) feet sideyard setback is proposed in order to accommodate said stairs. He opined that the stairs would provide a second means of ingress/egress in the event of a fire. Mr.

Gould advised the Board that a shower enclosure will also be relocated in connection with this project. He further advised the Board that the existing shower enclosure currently located four (4) feet into the sideyard setback.

Christopher O'Shaughnessy, the owner of the Property, appeared & he was placed under oath to testify before the Board. Mr. O'Shaughnessy distributed six (6) photographs which were received by the Board & which were marked as A-1 thru A-6. Mr. O'Shaughnessy testified to the renovations which have been completed on site to date.

The Board is in receipt of architectural elevations which were prepared by R.D. Green Engineering, consisting of two (2) sheets, dated January 2, 2020, & revised August 26, 2020, January 5, 2021, & February 20, 2021, which are incorporated herein as fact. The Board is also in receipt of a siteplan prepared by Johnson Surveying & Construction, Inc., consisting of one (1) sheet, dated January 1, 2020, which is incorporated herein as fact.

Mr. Gould advised the Board that Mr. Green was unable to attend the meeting due to personal reasons. He indicated that Ronald Franke, R.A., a registered architect with Architectural Management, Inc., would be testifying to the plans on behalf of the Applicant. Mr. Franke was accepted by the Board as an expert in the field of architecture, & he was placed under oath & testified from the proposed siteplan & building elevations. Mr. Franke testified that he reviewed the plans & was familiar with the City's Ordinance. Mr. Franke further testified that the only variance sought by the Applicant is in relation to the minimum sideyard setback. He indicated that a minimum 8ft. sideyard setback is required whereas a 4ft. sideyard setback is proposed in order to accommodate the proposed access stairs to the 2nd-floor deck & the relocated shower enclosure. Mr. Franke further testified that a shower enclosure is being relocated in connection with this project which will encroach 4ft. into the sideyard setback. He advised the Board that the existing shower enclosure currently encroaches 4ft. into the sideyard setback. In response to a question posed by the Board, Mr. Franke testified that the existing fence will not be relocated, & he confirmed that the fence is located within the property lines. Mr. Franke opined that application can be granted as there are no substantial detriments to the public good & the application does not substantially impair the intent & purpose of the Zoning Map & Ordinance as the proposed development is consistent with the surrounding neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated April 30, 2021, which was received by the Board, & which is incorporated herein as fact. Mr. Petrella confirmed the variance relief sought by the Applicant.

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

1. John Dugan, owner of the property located at 303 East 7th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Dugan indicated that he supports the variance sought by the Applicant. He advised the Board that the improvements completed by the Applicant have been welcomed by the neighborhood, and the proposed stairs are consistent with stairs located at his property.

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 application.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. 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 Applicant is the owner of the property & has standing to come before the Board to request preliminary & final siteplan approval requesting a 'C' variance in connection with the minimum sideyard setback; 8ft. sideyard setbacks are required whereas a 4ft. sideyard setback is proposed in order to accommodate stairs providing access to a 2nd floor deck. The Board found Mr. O'Shaughnessy's & Franke testimony to be credible & persuasive. With respect to the Application for preliminary & final siteplan approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to amended preliminary & final siteplan approval for the proposed development. The purposes of zoning law would be advanced by the proposed development in approval of the application. 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 Property. The Board finds that the Applicant has satisfied the requirements for seeking 'c' variance relief siteplan approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Mr. 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 Engineer Mr. Petrella identified a conflict regarding the next application. Board Engineer Petrella was excused from the application.

Application No.: P-21-5-2 City of North Wildwood

117 West 5th Avenue

Block 185, Lot 14

R-2 Zoning District

Conditional Use siteplan approval/minor subdivision approval

The Board heard & considered the application of the City of North Wildwood (Applicant), a municipal corporation of the State of New Jersey with offices located at City Hall, 901 Atlantic Avenue, North Wildwood, NJ, owner of the property located at 117 West 5th Avenue, a/k/a Block 185, Lot 14 (Property), seeking minor subdivision approval to subdivide an existing 100ft. x 100ft. lot to create two (2) 50ft. x 100ft. lots, and Conditional Use approval in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

Michael Donohue, Esq., of the Law Offices of Blaney Donohue Karavan & Weinberg, P.C. located in Avalon, NJ, solicitor to the City of North Wildwood, appeared on behalf of the Applicant & reviewed the nature of the Application for the benefit of the Board. Mr. Donohue advised the Board that the City is proposing to subdivide an existing 100ft. x 100ft. lot in order to create two (2) 50ft. x 100ft. lots. He indicated that Conditional Use approval to develop two (2) single-family semi-detached dwellings (duplexes) is also sought in order to generate interest & improve the marketability of said lots in connection with a public auction of same. Mr. Donohue advised the Board that the proposed duplexes meet all of the conditions outlined within the City's Ordinance at §276-16(D)(1). A proposed Minor Subdivision plan, consisting of one (1) sheet, dated May 3, 2021, prepared by Ralph Petrella, Jr. of Van Note-Harvey Associates, Inc. was received & reviewed by the

Board, and same is incorporated herein as fact. Mr. Donohue informed the Board that proposed lots 14.01 & 14.02 are both fully conforming with the area & bulk requirements of the R-2 Zoning District. He indicated that the subdivision sought by the City is a “by-right subdivision.” Mr. Donohue indicated that a design waiver is also requested in connection with a proposed 24ft. wide curb cut as only a 20ft. wide curb cut is permitted.

Steven J. Fenwick, R.A. with SJ Fenwick Associates Architects & Planners, LLC appeared before the Board on behalf of the Applicant. Mr. Fenwick was accepted by the Board as an expert in the field of architecture, and he was placed under oath & testified from the proposed floor plans & building elevations, dated April 21, 2021, which were received by the Board & which are incorporated herein as fact. Mr. Fenwick reviewed the proposed building elevations & the conditional use standards for the benefit of the Board. He advised the Board that the proposed structures were designed so as to appear as if they were single-family dwellings as required by the Ordinance. Mr. Fenwick reviewed the conditional use standards for the benefit of the Board. He informed the Board that the structures proposed by the Applicant meet all required conditions outlined within the City’s Ordinance at §276-16(D)(1). Mr. Fenwick reviewed the proposed floor plans for the benefit of the Board. He testified that the ground floor will consist of a garage which will provide two (2) off-street parking spaces & one (1) additional off-street parking space will be located in the driveway in front of said garage. Mr. Fenwick opined that the proposed off-street parking arrangement is both functional & consistent with prior approvals granted by the Board. Mr. Fenwick testified that the proposed structures are limited to two (2) habitable floors, they incorporate an asymmetrical façade, offset decks & projecting bays & rooflines. He indicated that one main entrance is visible from the street whereas the 2nd unit entrance is located in the sideyard, hidden from view. Mr. Fenwick testified that the 1st floor will contain a living room, dining room, kitchen, one (1) bathroom, and one (1) bedroom, and the 2nd floor will contain four (4) bedrooms & two (2) bathrooms. Mr. Fenwick reviewed the types of materials proposed to be used on the exterior façade of the structure, and he confirmed that the structure is compliant with maximum permitted building height & also provides sufficient off-street parking. As a condition of approval, in the event a future purchaser of the subdivided lots modifies the exterior dimensions of the proposed duplexes a future application to the Board is required.

Ralph Petrella, Jr., P.E., P.L.S., P.P. of Van Note-Harvey Associates, Inc. appeared before the Board on behalf of the Applicant. Mr. Petrella was recognized as an expert in the field of engineering & planning and he was placed under oath & sworn in to testify before the Board. Mr. Petrella testified that the proposed off-street parking arrangement is functional & is in fact consistent with what’s been approved by the Board in the past. Mr. Petrella confirmed that the Applicant is seeking minor subdivision approval & that said subdivision is a by-right subdivision as the proposed lots conform to the area & bulk requirements of the R-2 Zoning District.

The Board did not receive a review memorandum from Board Engineer Mr. Petrella due to a conflict of interest as Mr. Petrella’s firm, Van Note-Harvey Associates, Inc., is the entity that prepared the plan of subdivision in connection with this application.

Chairman Davis then opened the meeting for general public comment. Two (2) individuals addressed the Board in connection with this application, namely:

1. William Shouldis, owner of the property located at 119 West 5th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Shouldis advised the Board that he preferred single-family development rather than duplex development. Mr. Shouldis was advised that the proposed duplexes are permitted within the R-2 Zoning District provided they meet all conditions outlined within the Ordinance.
2. Diane Shouldis, owner of the property located at 119 West 5th Avenue, appeared & she was placed under oath to testify before the Board. Mrs. Shouldis asked to review the proposed plans.

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 application.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland “volunteered” for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The Applicant is the owner of the property & has standing to come before the Board to request preliminary & final siteplan approval requesting Conditional Use approval pursuant to §276-16(D)(1). The Board found Mr. Fenwick testimony to be credible & persuasive. With respect to the Application for preliminary & final siteplan approval/Conditional Use approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to amended preliminary & final siteplan approval for the proposed development. The purposes of zoning law would be advanced by the proposed development in approval of the application. 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.

Board Engineer Mr. Petrella returned to Board professional representation for the rest of the Board meeting.

Application No.: P-2021-2-1 Jersey Development, LLC

132 West 3rd Avenue
Block 186, Lot 3
R-2 Zoning District
Conditional Use siteplan approval

The Board heard & considered the application of Jersey Development, LLC, owner of the property located at 132 West 3rd Avenue, a/k/a Block 186, Lot 3, seeking Conditional Use approval in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

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 advised the Board that the Property is currently developed with a non-conforming triplex which the Applicant intends to demolish in order to construct a new single family semi-detached (duplex) dwelling which will be constructed so as to appear as if it were a single-family home. Mr. Barnes further advised the Board that single family semi-detached dwellings are permitted as conditional uses within the R-2 Zoning District on 50ft. x 100ft. lots provided the Applicant complies with specific conditions set forth within the City’s Ordinance at §276-16(D)(1). Mr. Barnes reviewed the conditional use standards for the benefit of the Board. He informed the Board that the structure proposed by the Applicant meets all required conditions. Mr. Barnes indicated that if the Board does in fact find that all required conditions have been met, the Applicant is entitled to Conditional

Use approval. Alternatively, if the Board finds that the structure does not appear as if it were a single-family dwelling, the Applicant is requesting a D(3) Conditional Use Variance in order to permit the proposed development.

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/Floor Plans, dated May 2021, and revised May 18, 2021 & May 26, 2021, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reiterated the conditional use standards associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Newswanger testified that he designed the structure so as to appear as if it were a single-family dwelling by incorporating an asymmetrical façade, offset decks, and projecting bays & rooflines with a significant amount of fenestration. He indicated that one main entrance is visible from the street whereas the 2nd unit entrance is hidden within a recessed area of the garage. Mr. Newswanger advised the Board that the ground floor consists of a garage & storage area, the 1st floor consists of a living room, dining room, kitchen & a den, and the 2nd floor contains three (3) bedrooms & two (2) bathrooms. Mr. Newswanger reviewed the proposed floor plans for the benefit of the Board. He indicated that each unit contains a total of three (3) bedrooms which necessitates a total of four (4) off-street parking spaces on site. Mr. Newswanger advised the Board that the proposed den was redesigned in order to eliminate a proposed full bathroom & replace same with a proposed powder room & there are no doors proposed in order to ensure that the den will not be used as a 4th bedroom. A revised set of plans depicting this revision was received by the Board & marked as **Exhibit A-1**. As a condition of approval, the Applicant will submit revised plans confirming the elimination of the full bathroom within the den.

Mr. Newswanger advised the Board that the proposed structure complies with all area & bulk requirements & conditions controlling the development of the proposed duplex. Mr. Newswanger testified that the structure is limited to two (2) habitable floors, provides one visible entrance from the street & contains an asymmetrical front façade. Mr. Newswanger reviewed the proposed architectural elevations for the benefit of the Board, noting that decks are proposed which are offset so as to give the structure the appearance of a single-family dwelling.

In response to a question posed by the Board, Mr. Newswanger stated that the decks are not shared spaces & each unit has its own individual deck space. Mr. Newswanger reviewed the types of materials proposed to be used on the exterior façade of the structure, and he confirmed that the structure is compliant with maximum permitted building height & also provides sufficient off-street parking.

Board members questioned the size of the proposed bump-out & eaves. As a condition of approval, the proposed bump-out & building eaves will not exceed 24 inches. Board members inquired if any visual or sound screening is proposed in connection with the HVAC mechanicals. As a condition of approval, the Applicant will provide appropriate screening around the HVAC mechanicals.

Mr. Newswanger opined that the relief sought by the Applicant can be granted by the Board as the proposed development advances several of the special purposes of zoning as set forth within N.J.S.A. 40:55D-2, as it:

- a. Secures safety from fire, flood, panic and other natural and man-made disasters;
- e. 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. 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; and
- i. Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Newswanger further opined that application can be granted as there are no substantial detriments to the public good & the application does not substantially impair the intent & purpose of the Zoning Map & Ordinance as the proposed development is consistent with the surrounding neighborhood & the proposed duplex satisfies all conditions associated with said Conditional Use Approval.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated April 28, 2021, which was received by the Board, & which is incorporated herein as fact. Mr. Petrella confirmed the variance relief sought by the Applicant.

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

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Ms. Haas “volunteered” for the finding of facts. Ms. Haas reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The Applicant is the owner of the property & has standing to come before the Board to request preliminary & final siteplan approval requesting Conditional Use approval pursuant to §276-16(D)(1). The Board found Mr. Newswanger testimony to be credible & persuasive. With respect to the Application for preliminary & final siteplan approval/Conditional Use approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to amended preliminary & final siteplan approval for the proposed development. The purposes of zoning law would be advanced by the proposed development in approval of the application. 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 Vice Chair DiEduardo. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

Due to the Planning Board’s regional Board status, the following Board member were excused from the vote or participating in the application; Board Member Ms. DeJoseph.

Application No: Z-21-4-2 Lisa Dinon

103 East 19th Avenue
Block 202, Lot 1
CBD Zoning District
Use Variance Approval

The Board heard & considered the application of Lisa Dinon (Applicant), owner of the property located at 103 East 19th Avenue, a/k/a Block 202, Lot 1 (Property), seeking a D(2) Use variance for the expansion of a non-conforming use, in order to renovate the existing single-family dwelling to raise the structure comply with FEMA flood requirements, construct an attached garage with additional living space, and to install a new deck in the rearyard. The Property is located in the Central Business District (CBD) Zoning District.

Andrew Catanese, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Catanese stated that the subject property is currently developed with a single-family dwelling which is not a permitted use in the CBD Zoning District. He advised the Board that the existing structure is oriented towards 19th Avenue. Mr. Catanese informed the Board that the Applicant is proposing to elevate the existing structure in order to comply with current FEMA flood requirements, construct a new attached garage with a 2nd floor bedroom & a new deck located in the rear of the structure.

Lisa Dinon, the owner of the Property, appeared & she was placed under oath to testify before the Board. Ms. Dinon testified that the Property has been owned by her family since the 1930s. She indicated that her great aunt recently passed away & left the home to a charitable organization. Ms. Dinon testified that she contacted the charitable organization & negotiated to purchase the property so that it would stay in the family. Ms. Dinon advised the Board that she plans to renovate the existing structure in order to modernize it & bring it into compliance with current fire & building codes. She advised the Board that everything within the home is original from the 1930s.

Vincent Orlando, P.E., P.P., L.L.A., C.M.E. with Engineering Design Associates, P.A. appeared before the Board on behalf of the Applicant. Mr. Orlando was accepted by the Board as an expert in the field of engineering & he was placed under oath & testified from the proposed Variance Plan, dated April 14, 2021 & revised May 12, 2021, which was received by the Board & which is incorporated herein as fact. Architectural plans & building elevations prepared by Joseph S. Benedetto Architect, dated October 7, 2020, were also received by the Board & are incorporated herein as fact. Mr. Orlando reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Orlando testified that the Property is developed with a single-family dwelling that is oriented towards 19th Avenue & it is located in the City's CBD Zoning District where single-family dwellings are not a permitted use. Mr. Orlando testified that the only relief required in connection with this application is a D(2) expansion of a non-conforming use variance. He advised the Board that the Property complies with all other area & bulk requirements within the CBD Zoning District. Mr. Orlando advised the Board that the Applicant is proposing to raise the existing structure to meet current FEMA flood requirements. He indicated that a small garage addition & a 2nd floor master suite are also proposed. Mr. Orlando further testified that the lot itself is oversized & provides a total of 7,000SF. He advised the Board that both lot & building coverage are significantly less than what would otherwise be permitted. Mr. Orlando opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application & support the relief sought by the Applicant as it:

- a. Secures safety from fire, flood, panic and other natural and man-made disasters;
- b. Provides adequate light, air and open space; and

- m. Encourages coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

Mr. Orlando 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. Mr. Orlando testified that the proposed renovations will be a benefit to the community, specifically the surrounding neighborhood, as the house will be brought into compliance with current fire & construction codes and the renovations will not change the character of the home. Mr. Orlando informed the Board that the Property also provides an 18ft. frontyard setback to Central Avenue whereas a 0ft. frontyard setback is permitted.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated May 25, 2021, which was received by the Board, & which is incorporated herein as fact. Mr. Petrella confirmed the variance relief sought by the Applicant. As a condition of approval, the Applicant will visually screen a proposed generator from New Jersey Avenue.

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

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. 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 CBD. The Applicant is the owner of the property & has standing to come before the Board to request preliminary & final siteplan approval requesting a ‘d(2) Use Variance in light of the fact that single-family dwellings are not permitted uses within the CBD zone, a D(2) expansion of a non-conforming Use Variance is required in connection with this Application. The Applicant is proposing to raise the existing structure to meet current FEMA flood requirements. The Applicant is also proposing to construct a garage addition which will also contain a 2nd floor master suite, thus the expansion of the non-conforming use. With respect to the D(2) variance sought by the Applicant, the Board finds that the Applicant has presented special reasons which advance the purposes of zoning which justify the granting of the aforementioned variance. The Board found Ms. Dinon & Mr. Orlando’s testimony to be credible & persuasive. With respect to the Application for preliminary & final siteplan approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to amended preliminary & final siteplan approval for the proposed development. The purposes of zoning law would be advanced by the proposed development in approval of the application. The Board finds that the Applicant has satisfied the requirements for seeking Use Variance approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Ms. Haas. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

Application No.: Z-2021-1-3 Gregory Schubert

1410 Central Avenue

Block 206, Lot 13

R-1 Zoning District

Multiple “c” variance siteplan approval (*Zoning Enforcement case*)

The Board heard & considered the application of Gregory Schubert (Applicant), owner of the property located at 1410 Central Avenue, a/k/a Block 206, Lot 13 (Property), seeking a D(2) Use Variance for the expansion of a non-conforming use, and ‘C’ variance relief in relation to minimum frontyard setback – Central Avenue (10ft. is required whereas 2.3ft. is proposed) & minimum frontyard setback – 15th Avenue (10ft. is required whereas 0.25ft. is proposed), in order to maintain existing decks located along Central & 15th Avenues which were constructed without Construction Permit approvals. The Property is located in the R-1 Zoning District.

Gregory Schubert, the owner of the Property, appeared, he was placed under oath & he was sworn in to testify before the Board. Mr. Schubert outlined the nature of the application & the relief sought in connection with same. Mr. Schubert informed the Board that the subject property is currently developed with three (3) residential units/condominium which is not a permitted use in the R-1 Zoning District. Mr. Schubert advised the Board that the decks located along Central & 15th Avenues were reconstructed in 2019. He stated that they were constructed in order to replace former decks that had fallen in to a state of disrepair. Mr. Schubert testified that the structure itself did not have rain gutters which damaged the structure itself & severely damaged the old decks. Mr. Schubert testified that the current decks were expanded & the stairs which provide access to same encroach into the City right-of-way.

Board members questioned the approval process associated with the construction of the existing decks. Mr. Schubert testified that permits were not obtained as the local masonry contractor whom they employed indicated that they weren’t needed.

Mr. Schubert testified that the former decks were constructed out of concrete & they still exist underneath of the newly constructed decks. He indicated that the contractor repaired the walls of the existing structure along Central & 15th Avenues at the time that the decks were reconstructed. Mr. Schubert testified that the decks were constructed out of trex composite decking material & they span the entire width of the structure along Central & 15th Avenues. He opined that they are visually pleasing & do not detract from the surrounding neighborhood. Mr. Schubert advised the Board that the stairs providing access to said decks were reconfigured during construction in order to be reoriented towards Central & 15th Avenues. He again acknowledged that the stairs encroach into the City right-of-way. In response to a question posed by the Board, Mr. Schubert testified that a notice of zoning violation was received in 2020 at the time that the railings were being installed along Central Avenue. He advised the Board that the application to the Board was delayed due to the need to obtain a survey. Mr. Schubert testified that there are two (2) moveable plastic sheds which currently exist on site which are located within eight (8) feet of another building. As a condition of approval, the sheds will be removed or they will be relocated to comply with the requirements of the City’s Ordinance.

Board Members expressed significant concerns in relation to the stairs providing access to the Central & 15th Avenue decks. Board members advised Mr. Schubert that properties located along Central Avenue are held to the area & bulk requirements within the Ordinance with limited exceptions. The Board advised Mr. Schubert that in order to maintain the stairs in their current location an easement would need to be obtained from City Council. Board Members expressed significant opposition to maintaining the steps in their present location due

to the existing encroachment & the substantial detrimental impact that same has on the public good, the Zoning Map & Ordinance.

As a condition of approval, the Applicant will reconstruct & relocate the stairs providing access to the Central & 15th Avenue decks in order to maintain one (1) foot of clearance to the property line to eliminate the existing encroachment. In the event the stairs need to be reoriented due to the old concrete deck located under the existing decks they will be directed towards 15th Avenue in order to eliminate the existing encroachments & one (1) foot of clearance will be maintained to the property line. The Board also imposed a condition of approval requiring the reconstruction/relocation of the encroaching stairs to be completed within 120 days.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella dated May 27, 2021, which was received by the Board, & which is incorporated herein as fact. Mr. Petrella confirmed the variance relief sought by the Applicant & reviewed the encroachment issues for the benefit of the Board.

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

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland “volunteered” for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1. The Applicant is the owner of the property & has standing to come before the Board to request preliminary & final siteplan approval requesting a ‘d(2) Use Variance in light of the fact that three (3) unit development/condominium are not permitted uses within the R-1 Zoning District, a D(2) expansion of a non-conforming Use Variance is required in connection with this Application. The Applicant is requesting a D(2) expansion of a non-conforming use variance & ‘C’ variance relief in connection with the minimum frontyard setback – Central Avenue (10ft. is required whereas 2.3ft. is proposed) and minimum frontyard setback – 15th Avenue (10ft. is required whereas .25ft. is proposed) in order to maintain existing decks located along Central & 15th Avenues which were constructed without approvals & which encroach into the frontyard setbacks. The stairs providing access to the decks encroach into the City right-of-way beyond the property line. The Board found Mr. Schubert’s testimony to be credible & persuasive. The Applicant agreed to the following conditions of approval:

- a. The sheds will be removed or they will be relocated to comply with the requirements of the City’s Ordinance.
- b. The Applicant will reconstruct & relocate the stairs providing access to the Central & 15th Avenue decks in order to maintain one (1) foot of clearance to the property line to eliminate the existing encroachment. In the event the stairs need to be reoriented due to the old concrete deck located under the existing decks they will be directed towards 15th Avenue in order to eliminate the existing encroachments & one (1) foot of clearance will be maintained to the property line.
- c. The reconstruction/relocation of the encroaching stairs to be completed within 120 days.

With respect to the Application for Use Variance approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to approval for the proposed development. The purposes of zoning law would be advanced by the proposed development in approval of the application. The Board finds that the Applicant has satisfied the requirements for seeking Use Variance 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 returned to active Board member status with the conclusion of the last application & could participate in Board business.

Planning Board Resolution PB-04-2021

Existing residential use in the CBD Zoning District to permit expansions

Planning Board approval is required

The City's Land Development Ordinance (Ordinance), set forth within §276-20(G)(2)(o), permitted "[e]xisting nonconforming residential structures that do not front directly onto New Jersey Avenue, but which are still located within the 100-foot Central Business District (CBD) Zoning District along New Jersey Avenue, are permitted to utilize the bulk standards of the CBD Zoning District or, alternatively, the residential zone that directly abuts the CBD Zoning District." The Board discussed a potential revision to §276-20(G)(2)(o) which would alleviate the need for existing & new residential structures that do not front directly onto New Jersey Avenue, but which are still located within the 100-foot CBD Zoning District along New Jersey Avenue to obtain relief from the Board in order to expand what are otherwise considered non-conforming uses.

The Board recommends that the City's Ordinance, specifically §276-20(B), permitted uses within the CBD Zoning District, be amended in order to incorporate single-family residential structures as permitted uses within the CBD Zoning District provided that they do not front directly onto New Jersey Avenue, but are still located within the 100-foot CBD Zoning District along New Jersey Avenue. The Board further recommends that Section 276-20(G)(2)(o) be amended as follows, "All existing & new residential structures that do not front directly onto New Jersey Avenue, but which are still located within the 100-foot CBD Zoning District along New Jersey Avenue, are permitted to utilize the bulk standards of the residential zone that directly abuts the CBD Zoning District." Accordingly, the Board resolves to recommend that the City Council accept & adopt the proposed revisions to the City's Ordinance.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Vice Chair DiEduardo & 2nd by Ms. Haas. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

I) ZONING OFFICER REPORT:

Dan Speigel, Zoning Officer/Construction Official, did not attend the meeting & was previously excused.

J) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment.

Mr. George McNeeley argued that the Board was “out-of-line” during the public comment of one of the applications heard by the Board tonight. He felt his procedural/public comment rights were not addressed. Both the Board Chairman & Solicitor tried to explain the public comment procedural rules the Board follows, but there was a major disagreement in how the manner was handled. Mr. McNeeley was visibly angry & agitated over what transpired & how it transpired. Mr. McNeeley walked out of the meeting room without satisfaction despite the best efforts of the Board to address his concerns.

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 April 14, April 21 & May 12, 2021 Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. No further discussion to the minutes. Motioned as proposed by Ms. Haas & 2nd by Vice Chair DiEduardo. 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):

Adoption of City Ordinance No. 1837 – Prohibiting Cannabis Business
Amendment to Land Development Ordinance, Chap. 276-1 et. seq.
Board information only – No Board action required

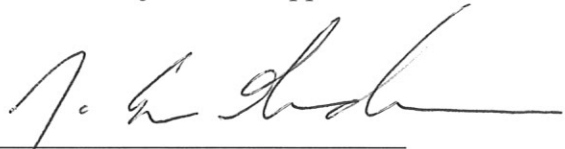
The Board Secretary announced City Council adoption of the Ordinance referenced above as amendment to the Land Development Ordinance, Chap.276-1 et. seq. Presented for Board information only, no formal action is required by the Board.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 9:20pm, 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: 8/12/21
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.

