

North Wildwood Planning Board
Regular Meeting: May 12, 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	Present
Mr. John Harkins	Present	Councilman David Del Conte	Present
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:

The Board Secretary & the Board Solicitor announced adjournment of the below referenced application(s) by written request of the Applicant's attorney/agent. Notice requesting adjournment was received in a timely manner before the Board hearing. The request for adjournment also provided for time limit wavier under the NJ Municipal Land Use Law {NJ-MLUL} (NJSA 40:55D-1 et. seq.) & the Ordinance (Chap. 276-1

et. seq.). The Board Solicitor announced to the public that this application will be adjourned to the May 12th 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

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

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

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

1410 Central Avenue
Block 206, Lot 13
R-1 Zoning District
Multiple "c" variance siteplan approval

G) **MEMORIALIZATIONS:**

P-21-3-3(A) Beach Creek Marina, Inc.
(aka Ocean Bay Club @ NW Marina) – Phase 1

Block 152, Lot 1
510-610- New York Avenue
NWM Zoning District
Block 152 Redevelopment Area Zoning District
Preliminary & Final Site plan approval

The Board heard & considered the "Phase 1" application of Beach Creek Marina, Inc. (Applicant), the owner of the property located at 510-610 New York Avenue, a/k/a Block 152, Lot 1 (Property), seeking preliminary & final siteplan approval in connection with four (4) buildings & attendant site improvements & infrastructure situated in the Block 152 Redevelopment Area, and 'c' variance relief to permit an 8th floor of livable space within the existing Marina Bay Towers building, to permit 166 residential units whereas only 165 residential units are permitted in accordance with the amended redevelopment plan, and to permit a maximum building height of 84.7ft. for the lighthouse structure whereas only 78ft. is permitted, in order to renovate & expand the existing buildings located on site. The Zoning District is North Wildwood Marina (NWM).

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

P-21-3-3(B) Beach Creek Marina, Inc.
(aka Ocean Bay Club @ NW Marina) – Phase 2

Block 152, Lot 1
510-610- New York Avenue
NWM Zoning District
Block 152 Redevelopment Area Zoning District
Preliminary Site plan approval

The Board heard & considered the “Phase 2” application of Beach Creek Marina, Inc. (Applicant), the owner of the property located at 510-610 New York Avenue, a/k/a Block 152, Lot 1 (Property), seeking preliminary plan approval in connection with a proposed mixed-use high-rise building & attendant site improvements & infrastructure situate in the northeast area of the Property, including ‘c’ variance relief to permit a 13th floor of livable space within the proposed “Spires” building, a height variance to permit a spire & an aviation warning light (230ft. is permitted whereas 240ft. is proposed), and to permit cooking facilities within proposed hotel units (25% of rooms are permitted to have cooking facilities whereas 100% is proposed), & a waiver in relation to the size of proposed off-street parking spaces (8.5ft. x 18ft. & 8.5ft. x 16ft.), in order to construct said mixed-use high rise structure containing 60 condominium/hotel dwelling units & 84 dwelling units and various amenities & commercial areas. The Zoning District is North Wildwood Marina (NWM).

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

H) NEW BUSINESS:

Board member Chief Gallagher identified a conflict regarding the next application. Board member Gallagher was excused from the application.

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).

Doreen Corino, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Ms. Corino indicated that the Applicant previously appeared before the Board in 2011, 2013 & 2019 in connection with various renovations to the building & expansions of exterior decks. In 2019 the Applicant sought relief in order to enclose an open-air deck located along Spruce Avenue. Ms. Corino stated that the Applicant is now seeking amended siteplan approval to enclose an existing outdoor

patio area located at the corner of New Jersey & Walnut Avenues. Ms. Corino indicated that in connection with this proposal a parking variance is required as the City's Ordinance imposes additional parking requirements in connection with enclosed dining areas whereas parking requirements are not applicable to open-air decks & outdoor dining areas. Ms. Corino advised the Board that the Applicant's proposal will not enlarge the existing patio or seating area. She indicated that 46 seats currently exist on the patio & they will be maintained. The Applicant is proposing to enclose the area in order to use the space on a year basis & to provide additional protection from the elements.

David Shorten, R.A., a registered architect, appeared before the Board. Mr. Shorten was placed under oath & he testified from the proposed siteplan, floorplans & building elevations, prepared by Joseph Garramone, R.A., dated March 11, 2021 & revised April 7, 2021, which were received by the Board & which are incorporated herein as fact. Mr. Shorten was accepted by the Board as an expert in the field of architecture. Mr. Shorten reviewed the existing & proposed floorplans & building elevations for the benefit of the Board. Mr. Shorten testified that the Applicant's proposal will not increase the square footage of the existing structure in any way. He indicated that the only proposed change to the site is to enclose the existing covered outdoor patio. Mr. Shorten confirmed that the existing 46 seats in the patio area will be maintained. No new seating is proposed. Mr. Shorten testified that the proposed enclosure of the patio area will require a parking variance as the City's Ordinance requires off-street parking for enclosed seating areas whereas outdoor seating areas carry no off-street parking requirements. Mr. Shorten testified that there are no other changes proposed to the site. He indicated that a raised step will be constructed to provide access to the enclosed patio area & a small landing will be constructed in order to provide ADA access.

In response to a question posed by the Board, Mr. Shorten testified that the existing patio area was recently reconstructed; however, it has not yet been permanently enclosed, as dictated by the Construction Official & issued Construction Permit. In response to a question posed by the Board, Mr. Shorten testified that handicap parking spaces are located off of Walnut Avenue which are in close proximity to the patio. He confirmed that enclosing the patio area will not result in the need to add more handicap parking spaces as the existing number of seats will be maintained.

Puri L. Garzone, III, a member of 101 E. Walnut Avenue Real Estate Ventures, LLC, was present at the meeting & he was placed under oath & was sworn in to testify before the Board. Mr. Garzone testified that existing windows & doors which have been installed in the patio are temporary in nature. He advised the Board that a permanent enclosure will be installed if the Board grants the relief sought by the Applicant. With respect to handicap parking spaces, Mr. Garzone testified that the handicap parking spaces need to be repainted & he confirmed that signage was previously installed onsite. As a condition of approval, the Applicant will repaint the existing handicap parking spaces & install appropriate signage. Mr. Garzone testified that ample parking is provided on site for the needs of the business. He indicated that parking is permitted along New Jersey, Walnut & Spruce Avenues & he noted that municipal parking lots are located in close proximity to the D/E Zoning District. Mr. Garzone further testified that the majority of the business's patrons arrive by car service, bicycle, or on foot. Mr. Garzone advised the Board that there are no areas on site where additional parking could be added.

William Swiderski, P.E., P.P., licensed engineer & land planner appeared, he was placed under oath & he testified from the proposed site plans prepared by Mr. Garramone's office. Mr. Swiderski informed the Board that the Property received a prior parking variance to permit 37 off-street parking spaces on site whereas 41 were required. Mr. Swiderski reviewed the parking calculations & requirements for the benefit of the Board. Mr. Swiderski testified that the patio which is the subject of this application has been in existence & has been a part of the business's operation for decades. He reiterated that no new seating is proposed, & he

indicated that enclosing the space results in the need for more parking. Mr. Swiderski further testified that 46 seats currently exist in the patio area which results in the need for five (5) additional off-street parking spaces, for a total of 46 required off-street parking spaces. Mr. Swiderski opined that there is no substantial detriment to the intent of the Land Development Ordinance or the Zoning Map as there is plenty of available off-street parking located within the adjacent municipally owned parking lot. Mr. Swiderski further testified that there is no substantial detriment to the public good or the surrounding neighborhood as transportation to & from the establishment has evolved over the years & many patrons now arrive by bicycle, by foot, or by Uber, Lyft, or taxis.

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 reviewed the contents of his review memorandum & he confirmed the relief sought by the Applicant.

Chairman Davis then opened the application for general public comment. No 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 D&E. The Property currently contains a restaurant/bar known as The Inlet on Olde. The Applicant is proposing to enclose an existing outdoor patio area containing a total of 46 seats. No additional seats are proposed on site; however, enclosing the existing outdoor patio requires a total of six (6) additional off-street parking spaces. The Applicant is the owner of the subject property & has standing to come before the Board to request amended preliminary and final site plan approval and a parking variance in order to enclose an existing outdoor patio area. The Board found Mr. Shorten's, Mr. Gurzone's & Mr. Swiderski testimony to be credible & persuasive. With respect to the Application for amended preliminary and final site plan approval, the Board finds that the application meets the standards of the ordinance and the Applicant is entitled to amended preliminary and final site plan approval for the proposed development. With respect to the parking variance, the Board finds that the Applicant has presented special reasons which advance the purposes of zoning which justify the granting of the aforementioned parking variance. 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: 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 application was approved by the Board.

Board member Chief Gallagher returned to voting status for the rest of the Board meeting.

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

1309 Atlantic Avenue

Block 269, Lot 1

R-1 Zoning District

d(1) 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.

Andrew Catanese, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Catanese advised the Board that the Property is currently developed with two (2) principal uses, a single-family semi-detached dwelling (duplex) & a small cottage containing one (1) additional dwelling unit, for a total of three (3) units on site. Mr. Catanese informed the Board that the Applicant is proposing a small 33SF addition to the 2nd floor of the duplex which will not increase existing living space, and to replace & expand existing decks. He indicated that two (2) storage sheds located on site will be removed. Mr. Catanese indicated that a d(2) Use expansion of a non-conforming use variance is required in connection with the Applicant’s proposal in light of the two (2) principal uses which exist on site. He further indicated that there are a number of pre-existing nonconformities; however, they will not be exacerbated in connection with this proposal.

Ms. Linda Pietrzak, an owner of the subject property, appeared before the Board & she was placed under oath to testify. Mrs. Pietrzak testified that she purchased the Property in October of 2020 with the intentions to move to North Wildwood full-time when she retires. Mrs. Pietrzak advised the Board that she intends to retain the three (3) existing units located on site, and she and her family will occupy the 1st floor of the duplex structure. She indicated that her three (3) children & seven (7) grandchildren will occupy the 2nd-floor unit, & the back cottage dwelling will be occupied by family members when they visit. Mrs. Pietrzak testified that she plans to remove the existing storage sheds located on site in order to improve the aesthetics of the property. In response to a question posed by Mr. Catanese, Mrs. Pietrzak testified that the duplex was originally constructed in 1951.

Matthew Sprague, R.A with Matthew Sprague Design, LLC appeared before the Board on behalf of the Applicant. Mr. Sprague was accepted by the Board as an expert in the field of architecture & he was placed under oath & testified from the proposed site & architectural plan, dated February 10, 2021, revised March 24, 2021 & April 22, 2021, which was received by the Board & which is incorporated herein as fact. Mr. Sprague reviewed the existing & proposed siteplan & floorplans for the benefit of the Board. Mr. Sprague testified that a small addition is proposed on the 2nd floor of the duplex which is in the same footprint as the existing 1st floor unit, a new deck is proposed for the 1st-floor unit, a storage area will be constructed in the rear of the duplex in the location of an existing porch, a new open deck is proposed along the 2nd floor of the duplex, and existing sheds located in the rearyard will be removed. Mr. Sprague testified that the small 2nd floor addition measures 33SF & corrects a difference in roof pitch to match the existing pitch of the remainder of the structure. He confirmed that no additional bedrooms are proposed on site in connection with this Application. Mr. Sprague testified that off-street parking is currently provided for two (2) vehicles & the removal the rearyard

sheds will allow for a 3rd vehicle to be parked on site. He advised the Board that four (4) off-street parking spaces are required. He opined that the removal of the rear yard sheds will significantly improve the aesthetics of the site. Mr. Sprague reviewed the variance relief sought for the benefit of the Board. More specifically:

- a. d(2) Use variance for the expansion of a non-conforming use;
- b. Minimum side yard setback (10ft. is required whereas 3.6ft. is proposed);
- c. Minimum rear yard setback (10ft. is required whereas 3.6ft. is proposed);
- d. Minimum distance between accessory structure & principal structure (8ft. is required whereas 4.5ft. is proposed);
- e. Off-street parking (4 off-street parking spaces are required whereas 3 off-street parking spaces exist).

Mr. Sprague advised the Board that building height, building & lot coverage are well below that which is permitted. Mr. Sprague testified that a defined space is provided for new HVAC mechanicals, and he confirmed that an existing curb cut will service the proposed 3rd off-street parking space. Mr. Sprague indicated that access to the 2nd-floor unit will be provided by way of rear yard stairs which will give the structure more of an appearance of a single-family dwelling. Mr. Sprague 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:

- b. Secures safety from fire, flood, panic & other natural & man-made disasters;
- c. Provides adequate light, air & open space; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Sprague 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 structure currently exists, and the improvements proposed by the Applicant will address a parking deficiency & will also improve the aesthetic appearance of the structure, consistent with the surrounding residential neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated April 20, 2021 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed the contents of his review memorandum & he confirmed the relief sought by the Applicant.

Chairman Davis then opened the application for general public comment. No 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 Property is currently developed with two (2) principal uses, a single-family semi-detached dwelling (duplex) & a small cottage containing one (1) additional dwelling unit. In light of the fact that two (2) principal uses exist on site a d(2) expansion of a non-conforming Use variance is required in connection with this Application. The Applicant is proposing a small addition on the 2nd floor of the duplex which is in the same footprint as the existing 1st floor unit, a new deck is proposed for the 1st-floor unit, a storage area will be constructed in the rear of the duplex in the location of an existing porch, a new open deck is proposed along the

2nd floor of the duplex, and existing sheds located in the rearyard will be removed. In addition to a d(2) Use variance, the Applicant is also requesting 'c' variance relief to in connection with this proposal. The Board found Mr. Sprague's & Ms. Pietzrak testimony to be credible & persuasive. With respect to the d(2) Use variance & 'c' variance relief 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 variances. The Board finds that the benefits of granting the relief sought by the Applicant outweighs any potential detriment to the public. 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 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.

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

209 E. 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.

Andrew Catanese, Esq. appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Catanese advised the Board that the Applicant wishes to construct an uncovered landing along the side of the structure which encroaches five (5) ft. into the required sideyard setback. Mr. Catanese advised the Board that the existing structure is a modular home which has already been erected on site & issued a fully compliant Construction Permit. He indicated that the Applicant misunderstood the method in which the sideyard setback was calculated which resulted in the need for variance relief following the construction of the sideyard stairs/landing.

Thomas McGlone, the owner of the Property, appeared before the Board & he was placed under oath to testify. Mr. McGlone testified that he purchased the Property in 1997. He indicated that he recently constructed a modular single-family dwelling on site which contains two (2) bedrooms & two (2) bathrooms which he intends to occupy with his family. Mr. McGlone testified that all construction has been completed with the exception of the repair/replacement of sidewalks, the construction of a driveway, and the incorporation of landscaping. Mr. McGlone advised the Board that landscaping is not depicted on the submitted plans; however, he intends to incorporate landscaping on site. As a condition of approval, landscaping, consisting of planter boxes/beds, will be incorporated on site no later than August 15, 2021. In response to a question posed by the Board, Mr. McGlone testified that he researched the City's zoning and construction requirements prior to purchasing a 30ft. x 36ft. modular home. Mr. McGlone advised the Board that he did not realize that

stairs/landings were calculated in connection with setbacks. He indicated that the east sideyard setback measures approximately 12ft. to the foundation and the stairs/landing extend five (5) ft. into said setback. Mr. McGlone testified that this project originally started in 2019. He advised the Board that he hired a contractor to erect the single-family dwelling & permits were pulled in January of 2020. Mr. McGlone advised the Board that he obtained a Construction permit, which did not depict the landing/stairs, in March of 2020. He indicated that construction commenced in June of 2020 & the sideyard setback issue was discovered in September of 2020. Mr. McGlone further testified that the existing landing/stairs measures 5ft. x 6ft. He stated that the neighboring property owner asked if a visual barrier could be erected given the location of the entrance & its proximity to the neighbor's adjacent property bedroom.

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 prepared by Stanley Tasey, R.A., dated October 31, 2020, which was received by the Board & which is incorporated herein as fact. Mr. Orlando reviewed the variance relief sought in connection with this Application. Mr. Orlando testified that the structure & site complies with all other area & bulk requirements of the zone. 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. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare;
- b. Secures safety from fire, flood, panic & other natural & man-made disasters; and
- c. Provides adequate light, air & open space as the site is significantly under on building & lot coverage.

Mr. Orlando testified that in his professional opinion the benefits of approving this application substantially outweigh any potential detriments. He further opined that the relief sought by the Applicant can be granted by the Board as there are no substantial detriments to the Land Development Ordinance, Zoning Map or the public good.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated April 5, 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 general public comment. One (1) member of the public addressed the Board in connection with the application:

- a) Brian Augustine, owner of the property located at 211 East 6th Avenue, was placed under oath & he was sworn in to testify before the Board. Mr. Augustine testified that he is the neighboring property owner. He indicated that he has no objection to the relief sought by the Applicant. He advised the Board that he requested that the visual barrier be erected on the landing & the Applicant has agreed to comply with this request.

Chairman Davis requested if any additional members of the public wished to speak on the application. No additional members of the public came forward to testify in favor or against the application. Accordingly, the public portion of the meeting was closed.

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 seeking 'C' variance relief in relation to minimum sideyard setback (8ft. is required

whereas 8ft. & 7ft. are proposed); and Total sideyard setback (20ft. is required whereas 15ft. is proposed). The Board found Mr. McGlone's & Mr. Orlando's testimony to be credible & persuasive. 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 to a condition of approval to install landscaping on the front of the house. 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 & design of the modular home. The Board finds that the Applicant has satisfied the requirements for seeking 'c' variance relief siteplan approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the NJ-MLUL will be advanced by the application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Mr. Green & 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. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

Application No.: P-18-5-3 (A) Benjamin Masino (adjourned from April meeting)

119 E. 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.

Andrew Catanese, Esq., of the Law Offices of Monzo, Catanese & Hillegass appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Catanese reviewed the history of the Property & the prior approvals received back in 2018, memorialized in Resolution P-18-5-3. Mr. Catanese indicated that in 2018, the Board approved a d(6) Use/Height variance to permit a building height of 33.53ft. whereas the structure actually measured 38ft. at the time of the application. Mr. Catanese advised the Board that the proposed height was simply miscalculated by the Applicant's architect. Mr. Catanese reminded the Board that the structure was previously raised a total of seven (7)ft. in order to comply with FEMA flood requirements. He indicated that a maximum building height of 24ft. was permitted whereas 33.5ft. was approved back in 2018. Mr. Catanese indicated that the Architect measured the building height from the 1st finished floor to the top of the roof rather than measuring from the base flood elevation (BFE) to the top of the roof. Mr. Catanese asked that the Board incorporate the testimony of the Applicant's professionals as presented during July 11, 2018 Board meeting, and the Board took no issue with this request. Mr. Catanese advised the Board that the Applicant has not increased the height in any way since 2017, and no increase in building height is proposed in connection with this Application. Mr. Catanese distributed two (2) photographs from 2018 depicting the structure which were received by the Board & which were marked as

Exhibit A-1 & A-2, respectively. He indicated that the structure, as depicted in the photographs, is identical to what exists today.

Mr. Benjamin Masino, the owner of the Property, appeared before the Board & he was placed under oath to testify. Mr. Masino testified that there has been no change to the height of the structure since it was originally raised in 2017. Mr. Masino further testified that the discrepancy in building height was identified in connection with an as-built survey.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated April 6, 2021 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed the contents of his review memorandum & he confirmed the relief sought by the Applicant.

Chairman Davis then opened the application for general public comment. No 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-1.5.

The Applicant is seeking a d(6) Use/Height variance in order to correct a mathematical error associated with the calculation of building height as 24ft. is permitted whereas 33.53ft. was previously approved in connection with Resolution P-18-5-3. In connection with an as-built survey, it was discovered that the building height is actually 38ft. No change in height is proposed in connection with this application. The testimony presented by the Applicant’s professionals during the July 11, 2018 Board meeting is hereby incorporated by reference. In 2018, the Board found that a hardship existed with respect to this Applicant due to the fact that the existing structure is located on an undersized lot & due to the fact that the Applicant suffered a significant loss in connection with the damage sustained by the property in connection with coastal storms & flooding. These findings remain valid. Furthermore, the purpose of the Municipal Land Use Law would be advanced by the Application & that the benefits of granting same substantially outweigh any potential detriment. 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 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.

The Board quantified the voting members of the Board for the next application.

The Board took a five (5) minute recess while the attorney for the next application conferred with his client. The number of voting Board members was a concern of the attorney for the Applicant. At the conclusion of the recess, the Board resumed its meeting.

Application No: Z-2021-1-1 Sunshine Shore Properties, LLC *(continuation of March Hearing & adjourned from April meeting)*

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. Chairman Davis requested that the Board Secretary announce the Board members who will vote on the Use Variance application. All seated Board members will be voting, with the addition of Mr. Auty, Alternate No. 1, for a full seven (7) voting members.

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

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.

Andrew Catanese, Esquire 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 511 East 11th Avenue in the City’s Oceanside (OS) Zoning District & it is currently developed with a 24-unit motel known as the Harbor Mist Hotel. Mr. Catanese advised the Board that the Applicant is proposing to convert the existing 24-unit motel to a 12-unit residential apartment/condo building. Mr. Catanese noted the existing motel is a non-conforming use within the OS Zoning District. In light of concerns raised by the Board, the Applicant proposed reducing the number of proposed residential apartment units from 12 to 10. Mr. Catanese indicated that there are 23 actual motel rooms in use as the 24th room is utilized as a laundry room. Mr. Catanese stated that converting the motel to residential units will bring the site into closer compliance with the requirements of the OS Zoning District which permits single-family, duplexes & triplex uses. Multi-family dwellings exceeding three (3) units are not permitted which necessitates a d(1) Use Variance. He acknowledged that the number of residential units proposed also necessitates a d(5) Use density variance. Mr. Catanese advised the Board that the Applicant’s proposal will improve the non-conforming parking situation that exists on site as the reduction in the number of rooms will reduce the number of off-street parking spaces required. He indicated that the current parking arrangement is non-compliant due to the size of parking stalls & the size of the existing drive aisle.

Matthew Sprague, R.A. with Matthew Sprague Design, LLC appeared before the Board on behalf of the Applicant. Mr. Sprague was accepted by the Board as an expert in the field of architecture & he was placed under oath & testified from the proposed floor plan & building elevations, dated October 15, 2020, revised January 18, 2021 & April 2, 2021, which were received by the Board & which are incorporated herein as fact.

Mr. Sprague reviewed the existing & proposed site conditions for the benefit of the Board. He noted that the site is currently developed with a 24-unit motel. Mr. Sprague advised the Board that the Applicant is proposing to reduce the number of units from 24 to 12. He indicated that the existing building footprint will not be expanded in any way, and the majority of the work will be confined to interior spaces. Mr. Sprague reviewed the existing & proposed floor plans for the benefit of the Board. Mr. Sprague testified that six (6) units are proposed on the 1st floor & six (6) units are proposed on the 2nd floor. Mr. Sprague reviewed the existing & proposed building elevations for the benefit of the Board. He advised the Board that the exterior of the building will be resided & he reviewed the proposed materials that will be utilized to improve the aesthetics of the structure. Mr. Sprague presented a color rendering of the renovated site & he outlined the architectural elements & proposed modifications. As a condition of approval, the rehabilitation of the site will comport with the depiction of the color rendering & the materials represented by Mr. Sprague will be utilized in connection with the renovation of the building.

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 siteplan, dated January 20, 2021, revised February 8, 2021 & April 1, 2021, which was received by the Board & which is incorporated herein as fact. Mr. Orlando reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Orlando testified that the application involves a proposed change in use from an existing 24-unit motel to 12 single family residential apartments/condos. In connection with the Applicant's proposal a d(1) Use variance & a d(5) Use density variance are required. Mr. Orlando identified a discrepancy between the color rendering & the siteplan in relation to landscaping. He advised the Board that the proposed siteplan accurately reflects the landscaping which will be installed on site.

Mr. Orlando testified that the site currently contains a total of 20 off-street parking spaces, eight (8) of which are back-out spaces along 11th Avenue & 12 of which are on site- diagonal parking spaces. He opined that due to the current configuration only 16 useable parking spaces actually exist on site. Mr. Orlando advised the Board that eight (8) of the existing parking spaces are undersized & he noted that the drive aisle that currently exists on site measures 10ft. wide & is also non-compliant. Mr. Orlando testified that the Applicant redesigned the proposed parking lot in conjunction with the reduction in units & change in use in order to improve parking safety & efficiency and also to address pedestrian safety by way of the elimination of back-out parking spaces. He indicated that 12 off-street parking spaces are proposed, one (1) space for each unit. Mr. Orlando testified that based upon the number of proposed residential units a total of 25 off-street parking spaces are required. He indicated that a total of four (4) on-street parking spaces are provided in front of the existing site. If the on-street parking spaces are incorporated, the site is deficient nine (9) spaces. If the Board elects not to incorporate these parking spaces, the site is deficient 13 spaces.

Mr. Orlando testified that the existing motel use is not permitted in the OS Zoning District. He indicated that the proposed change in use to residential is more in line with what's permitted in the zone; however, the number of proposed units requires a Use variance & a Use/Density variance. Mr. Orlando advised the Board that site could accommodate between four (4) & six (6) residential units if it was vacant undeveloped land, but they would be significantly larger than what's proposed. 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. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare by eliminating the non-conforming hotel use & replacing it with a less intense use that's more consistent with the permitted uses of the zone;

- b. Secures safety from fire, flood, panic & other natural & man-made disasters as the proposed renovations will bring the site into compliance with current fire & constructions codes;
- c. Provides adequate light, air & open space as the structure is set significantly back from the street & is well below permitted maximum building height; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Orlando testified that in his professional opinion the benefits of approving this application substantially outweigh any potential detriments. He further opined that the relief sought by the Applicant can be granted by the Board as there are no substantial detriments to the Land Development Ordinance, Zoning Map or the public good as many of the required variances address existing conditions and the Applicant's proposal will eliminate a non-conforming use & establish a much less intense, more conforming use on site.

Board Members expressed significant concerns in relation to the proposed 12 off-street parking space deficiency. Mr. Orlando testified that there is no way to add additional parking without a major renovation of the site, and he argued that the parking situation will be significantly improved from a safety standpoint in comparison to what exists today. Board members noted that the surrounding neighborhood is incredibly dense & there are significant parking issues that exist in the surrounding community given its proximity to the beach. A discussion ensued between the Applicant's professionals, the Board & the Board's professionals in relation to the Residential Site Improvement Standards (RSIS) requirements compared to required parking versus proposed parking. Board Members expressed concerns in regards to the number of proposed residential units in light of the fact that only one (1) parking space will be assigned to each unit whereas 2.2 parking spaces per unit are required under RSIS. Board Members reiterated that on-street parking in the surrounding neighborhood is essentially non-existent in light of the neighboring developments & the proximity to the beach. They indicated that a motel use is transient & short-term whereas an apartment style use will likely result in more full-time seasonal residents & in turn more family vehicles per unit. Mr. Orlando argued that a motel is a more intense use on parking as a motel needs to operate at full capacity in order to generate a profit whereas a residential style structure is less intense as individual units will not all be occupied at the same time.

The Board was in receipt of a review memorandum prepared by Board Engineer, Mr. Petrella, dated March 1, 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. Mr. Petrella commented on the functionality of the proposed parking arrangement & the Board's ability to recognize on-street parking spaces if it chose to do so. The Applicant advised the Board that there was no objection to complying with the comments/conditions set forth within Mr. Petrella's review memorandum.

Chairman Davis then opened the application for general public comment. A total of four (4) members of the public addressed the Board in connection with this application, namely:

- a. Richard Caton, owner of the property located 508 East 11th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Caton advised the Board that he is in favor of the proposed development. He opined that changing the use of the site from a motel to a residential use will improve the surrounding neighborhood. He advised the Board that parking in the neighborhood is not an issue.
- b. Suzanna Tarasca, owner of the property located at 83 Breakwater Place, Villas, NJ, appeared & she was placed under oath to testify before the Board. Ms. Tarasca indicated that she supports the project. She advised the Board that her daughter would be interested in purchasing a unit.
- c. David Schwartz, owner of the property located at 504 East 11th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Schwartz advised the Board that he supports the Application & believes that it will be a significant improvement to the surrounding neighborhood.

d. Predrag Citakovic, owner of the property located at 105 Edna Avenue, Villas, NJ, appeared & he was placed under oath to testify before the Board. Mr. Citakovic advised the Board that he supports the application & does not believe that any parking issues exist in the surrounding neighborhood. He stated that the Application isn't perfect but it's a much better alternative compared to what currently exists on site.

No additional members of the public spoke out in favor or against the application. Accordingly, the Chairman Davis closed the public portion of this 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 Oceanside (OS). Additional concerns were raised in relation to the 13 off-street parking space deficiency by Board members.

The Applicant requested an opportunity to discuss the Board's concerns with their professionals. After a brief break, the Applicant proposed reducing the number of units from 12 to 10. As a condition of approval, the Applicant will revise the submitted plans to depict storage space within the proposed units & to address the reduction in the number of units & same will be submitted to the Board & presented at the May 12th meeting for final siteplan approval. As a condition of approval, 10 units will be assigned one (1) parking space & same will be incorporated into the Condominium Master Deed & By-laws and same will be provided to the Board Solicitor for review & approval.

The Property is located in the City's OS Zoning District at 511 East 11th Avenue, a/k/a Block 416, Lot 6. The property is developed with an existing 24-unit motel known as the Harbor Mist Motel. The existing motel is a non-conforming use within the OS Zoning District. The Applicant is requesting preliminary siteplan approval. The Applicant is proposing to renovate the existing 24-unit motel and convert same to 10 individual residential apartments. The Applicant is the owner of the Property & has standing to come before the Board in order to request preliminary siteplan approval, a d(1) Use variance, a d(5) Use/Density variance, and 'c' variance relief as single-family residential apartments are not permitted uses within the OS Zoning District. The Applicant asserts that the elimination of same & a conversion to apartments will bring the site into closer compliance with the permitted uses within the OS Zoning District. The Applicant is also requesting a d(5) density variance to permit a total of 10 individual residential apartments on a site containing a total of 14,000SF. The Applicant is also requesting 'c' variance relief in relation to parking (25 off-street parking spaces are required whereas 12 parking spaces are proposed). The Applicant originally proposed 12 units, but proposed reducing the number of units to 10 in response to concerns raised by the Board. The Board found Mr. Sprague's & Mr. Orlando's testimony to be credible and persuasive. Mr. Orlando opined that the application advances several purposes of zoning and that there are no substantial detriments to the Ordinance & Zoning Map or the public good. Four (4) members of the public spoke out in support of the Application. The Applicant agreed to the conditions of approval in the forthcoming Resolution of Approval. The Board has determined that the Applicant has met the requirements for preliminary siteplan approval provided that the Applicant complies with the terms & conditions set forth within the forthcoming Resolution. 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 memorialization of the Board Resolution as discussed. Motioned by: Chief Gallagher & 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 members were exempted from the vote: Ms. DeJoseph & Councilman Delconte. The following Board members were abstained from the vote: Mr. O'Connell, Mr. Peters & Ms. Haas. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

I) ZONING OFFICER REPORT:

Dan Spiegel, Zoning Officer/Construction Official, related that enforcement is on-going, with several future application coming to the Board. Mr. Green reiterated that if he has seen "problems," they can come to the Zoning official at any time.

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:

Board Secretary requested deferment of approval of the Meeting Minutes to the June 9, 2021 meeting. The Board granted the Board Secretary request.

K) UNFINISHED BUSINESS:

The Board Solicitor mentioned an appeal against the Pileggi/Sperduto application/construction permit application. The Board denied the application, but was superseded by the Court. The Court ordered a construction permit to be issued for the proposed house construction.

The Board Solicitor mentioned that an amendment to the Central Business District (CBD) Zoning District. A case whereby a new construction would like to utilize the adjacent residential zoning requirements without obtaining a Use Variance. Chairman Davis & Mr. O'Connell debated the merits of the amendment whereby the permitted use is to be modified so that it will not be a conditional use standard, and a single-family residential can be constructed. Several scenarios for solutions were considered & discussed. A resolution of the Planning Board will be prepared for next month meeting, for the Board's consideration.

L) COMMUNICATION(S): None presented.

Board member Chief Gallagher reported that this will be his last meeting for he is considering retirement.

M) REPORTS: None presented.

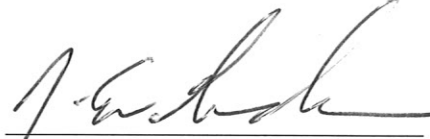
N)

MEETING ADJOURNED:

Meeting was adjourned at 11:08pm, 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: _____

6/10/21
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.

10-10-10

