

North Wildwood Planning Board
Regular Meeting: April 13, 2022
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

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|-----------------------------|---------|--------------------------------------|---------|
| Chairman Robert Davis | Present | Mayor Patrick Rosenello' | Absent |
| Vice Chair Jodie Di Eduardo | Present | Mayor's Designee Mr. Doug Miller | Present |
| Chief John Stevenson | Present | Mr. William Green | Absent |
| Mr. John Harkins | Present | Councilman David Del Conte | Absent |
| Mr. George Greenland | Present | Mr. Bill O'Connell | Present |
| Mr. Bill Auty (Alt. 1) | Present | Vacant (Alt. 3) | |
| Mr. Ron Peters (Alt.2) | Present | Ms. Valeria DeJoseph (Alt. 4) | Present |
| | | Mr. Robert 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-22-1-1 David & Margaret Schickling

314 West 15th Avenue

Block 117.01; Lot 12

R-2 Zoning District

Variance approval for swimming pool from eight (8) foot separation setback

The Board heard & considered the application of David & Margaret Schickling (Applicant), owners of the property located at 314 West 15th Avenue, a/k/a Block 117.09, Lot 12 (Property), seeking 'c' variance relief in relation to minimum distance between an accessory use (swimming pool) & the principal structure (eight (8)ft. is required whereas four (4)ft. is proposed), in order to install a swimming pool in the sideyard. The Zoning District is R-2.

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

Application No.: P-22-1-2 Kevin Carrigan

1411 Hoffman Canal

Block 118.02; Lot 2

R-2 Zoning District

Variance approval for rear deck on waterfront property (Hoffman Canal) from side & rearyard setback

The Board heard & considered the application of Kevin Carrigan (Applicant), owner of the property located at 1411 Hoffman Canal, a/k/a Block 118.02, Lot 2 (Property), seeking 'c' variance relief in relation to minimum sideyard setbacks (6ft. is required whereas 0ft. is proposed), minimum rearyard setback (10ft. is required whereas 0ft. is proposed), and maximum lot coverage (85% is permitted whereas 88% is proposed), in order to expand an existing 1st floor deck located along Hoffman Canal & to construct an outdoor shower enclosure in the sideyard.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. Greenland & 2nd by Mr. Ms. DeJoseph. 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. Board members Chief Stevenson, Mr. Auty & Mr. Peters abstained from the vote.

H) NEW BUSINESS:

The following Board member(s) was excused from the vote or participating in the application due to identified conflict with the application; Board Member(s); Mr. Harkins & Mr. Greenland.

Application No.: P-22-2-4 615 W. Spruce, LLC

615 W. Spruce Avenue

Block 47; Lot 6

R-2 Zoning District

Minor subdivision approval – two (2) lots to be created.

The Board heard & considered the application of 615 W. Spruce, LLC (Applicant), the owner of the property located at 615 West Spruce Avenue, a/k/a Block 47, Lot 6 (Property), seeking minor subdivision approval in order to subdivide an existing 80ft. x 104.73ft. lot to create two (2) conforming 40ft. x 104.73ft. lots suitable for the development of single-family dwellings.

Ms. Lyndsy M, Newcomb, Esq. of the Law Offices of Monzo, Catanese & Hillegass, P.C. appeared before the Board on behalf of the Applicant. Ms. Newcomb outlined the nature of the application & identified the relief sought in connection with same for the benefit of the Board. Ms. Newcomb advised the Board that the property is a vacant parcel of land measuring 80ft. x 104.73ft. located in the City's R-2 Zoning District. Ms. Newcomb informed the Board that the Applicant is proposing to subdivide the parcel in order to create two (2) fully conforming 40ft. x 104.73ft. lots suitable for the future development of single-family dwellings. Ms. Newcomb reviewed the area & bulk requirements of the R-2 Zoning District for the benefit of the Board, and she confirmed that the proposed lots will conform with same. As a condition of approval, the Applicant will revise the zoning table on the proposed plans to accurately reflect the required & proposed sideyard setbacks, which were listed incorrectly as presented. Mr. Newcomb opined that the proposed minor subdivision is a by-right subdivision in light of the fact that the proposed lots are fully conforming with the area & bulk requirements of the Ordinance & Zoning District.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated March 31, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Petrella confirmed that the Applicant's proposal is in fact a by-right subdivision as the proposed lots conform to all applicable regulations within the R-2 Zoning District. Mr. Petrella advised the Board that the Applicant must comply with the New Jersey Map Filing Law.

Chairman Davis then opened the application for general public comment. One (1) member of the public addressed the Board, namely:

John Moore, owner of the property located at 506 Ohio Avenue, appeared & he was placed under oath to testify before the Board. Mr. Moore questioned the need for the proposed minor subdivision & he inquired what the Applicant intended to develop on site. The Board answered his questions based on the testimony provided by the Applicant.

No additional members of the public spoke out in favor or against the application. Accordingly, the public portion of this application was closed.

At Chairman Davis's urging, Mr. Greenland was "volunteered" to conduct finding of facts. Mr. Greenland requested if any other Board member would like to help out with findings of facts (and since Ms. Haas has resigned from the Board). Mr. O'Connell volunteered for this finding of fact.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/siteplan approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts in Mr. Greenland's absence. Mr. O'Connell reiterated to the address and Block & Lot of the property

as stated in the application. The property is located in the R-2 Zoning District & it is currently undeveloped vacant land. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting minor subdivision approval. The Applicant, was represented in connection with this application. The Board found the proposed minor subdivision approval meets the requirements set forth within the Ordinance. The Board finds that the Applicant has satisfied the requirements for subdivision approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by Mr. Miller & 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 memorialization was approved by the Board.

At the conclusion of the application, Board Member(s); Mr. Harkins & Mr. Greenland returned to the Board meeting as a voting member.

Application No.: P-22-2-2 Mark DeFlavia

1501 New York Avenue

Block 174; Lot 5

R-2 Zoning District

“c” variance/siteplan request – undersized parking space/driveway

The Board heard & considered the application of Mark DeFlavia (Applicant), the owner of the property located at 1501 New York Avenue, a/k/a Block 174, Lot 5 (Property), seeking ‘c variance relief in relation minimum length of an off-street parking space (18ft. is required whereas 14.7ft. is proposed), in order to install two (2) off-street parking spaces on-site on his property.

The Applicant, Mark DeFlavia, was self-represented in connection with the preparation & filing of this Application. Mr. DeFlavia appeared & he was placed under oath to testify before the Board. Mr. DeFlavia outlined the nature of the application & the relief sought in connection with same. Mr. DeFlavia advised the Board that the property does not currently provide any off-street parking. He testified that he is seeking a variance in order to construct a driveway to provide two (2) off-street parking spaces on site. Mr. DeFlavia testified that the property is developed with a single-family semi-detached dwelling.

In response to a concern raised by the Board, Mr. DeFlavia testified that he would reduce the size of the proposed curbcut by approximately 1.5ft. to ensure that a total of 19.5ft. exists between his curb cut & the neighboring properties curbcut so that an on-street parking space would be maintained. As a condition of approval, the Applicant will ensure that a total of 19.5ft. is maintained between the proposed curbcut & a neighboring property’s curbcut.

Mr. DeFlavia further testified that he would revise his plans to reflect that the proposed driveway will be constructed using poured concrete rather than grass, thereby eliminating the need for a variance. Mr. DeFlavia advised the Board that the proposed off-street parking spaces measure 9ft. x 14.7ft. He testified that the proposed size of the parking spaces are more than sufficient to accommodate his vehicles. Mr. DeFlavia indicated that the proposed driveway & parking spaces are located adjacent to the laundry room located in the structure.

The Board was in receipt of a Review Memorandum prepared by Board Engineer Mr. Petrella, dated March 31, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Petrella

confirmed the variance relief sought by the Applicant & he addressed questions raised by the Board in relation to curbcut locations & the ability to maintain an on-street parking space.

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

- a. Francis Connor, owner of the property located at 124 West 15th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Connor testified that he supports the relief sought by the Applicant. He indicated that the Applicant's property is the only house on the block that doesn't have its own driveway or off-street parking.
- b. Dolores McCaughan, owner of the property located at 1503 New York Avenue, appeared & she was placed under oath to testify before the Board. Ms. McCaughan advised the Board that she supports the application & the relief sought in connection with same.

No additional members of the public spoke out in favor or against the application. Accordingly, the public portion of this application was closed.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/siteplan approval. 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 property is located in the R-2 Zoning District & it is currently developed with a single-family dwelling. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting variance/siteplan approval. The Applicant, was self-represented in connection with this application. With respect to the "c" variance relief sought by the Applicant, the Board finds that the Applicant has presented sufficient justification to grant the variance relief associated with this application. The Board found the proposed variance/siteplan meets the requirements set forth within the Ordinance. The Board finds that the Applicant has satisfied the requirements for variance/siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

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

Application No.: P-22-2-1 Robert Cardillo

115 East 6th Avenue

Block 215; Lot 18

R-2 Zoning District

"c" variance/siteplan request – undersized parking space/driveway, front & sideyard setback relief

The Board heard & considered the application of Robert Cardillo (Applicant), owner of the property located at 115 East 6th Avenue, a/k/a Block 215, Lot 18 (Property), seeking 'c' variance relief in relation to minimum sideyard setbacks (6ft. is required whereas 2.5ft. is proposed), minimum frontyard setback (10ft. is required whereas 0ft. is proposed), and minimum off-street parking space length & width (9ft. x 18ft. is required whereas 7.6ft. x 14ft. is proposed), in order to construct a 5ft. x 26.33ft. addition to the side of the structure, to construct a 7ft. x 12ft. frontyard deck, and to install an undersized off-street parking space on site.

The Applicant, Robert Cardillo, was self-represented in connection with the preparation & filing of this Application. Mr. Cardillo appeared, and he was placed under oath to testify before the Board. Mr. Cardillo

outlined the nature of the application & the relief sought in connection with same. Mr. Cardillo advised the Board that the property is an undersized 25ft. x 100ft. lot located in the R-2 Zoning District which is currently developed with a single-family dwelling. Mr. Cardillo reviewed the existing & proposed floor plan for the benefit of the Board. Mr. Cardillo testified that he is proposing to construct a 5ft. x 26.33ft. addition in the sideyard of the existing structure which consists of one (1) additional bedroom & one (1) additional bathroom. Mr. Cardillo further testified that the existing structure is approximately 16ft. wide & the additional proposed bedroom would allow the living space to be expanded in size as a bedroom currently takes up a portion of the living room. Mr. Cardillo advised the Board that the proposed addition would reduce the sideyard setback from 4.5ft. to 2.6ft, necessitating variance relief.

Mr. Cardillo testified that he is also proposing to construct a frontyard deck which measures 7ft. x 12ft. & which would be located directly on the frontyard property line resulting in a 0ft. frontyard setback. Mr. Cardillo indicated that he is also requesting variance relief in order to install an off-street parking space on site. He indicated that due to the size of the lot & the fact that a single-family home currently exists on site, the proposed off-street parking space is undersized & necessitates variance relief as 9ft. x 18ft. is required whereas 7.6ft. x 14ft. is proposed.

Board Members expressed concerns in relation to the encroachments proposed within the front & sideyard setbacks. Board Members indicated that the proposed encroachments create access issues & raise concerns for emergency service access for police officers & firefighters. In response to a question posed by the Board, Mr. Cardillo indicated that he purchased the property in March of 2021 & he occupies the property as a 2nd home with his family.

Mr. Cardillo testified that he believes that he is experiencing a hardship due to the fact that the property is an undersized lot which is currently developed thereby limiting his ability to renovate the property without requiring variance relief. Mr. Cardillo testified that the property is currently developed with a frontyard deck which is located approximately 4ft. from the property line. He confirmed that he is proposing to reduce the existing frontyard setback from 4ft. to 0ft. in connection with the deck that he is proposing to construct. In light of concerns raised by the Board, Mr. Cardillo testified that he was willing to maintain the existing 4ft. frontyard setback provided he was able to expand the deck across the entire width of the front of the home. Board Members raised concerns about the fact that the Applicant is attempting to overdevelop an undersized lot which already contains a number of pre-existing non-conforming conditions. A discussion ensued in relation to the size of the proposed off-street parking space. Board Members expressed concerns about the functionality & ability of a modern vehicle to fit in a 7.6ft. x 14ft. parking space. Additional concerns were raised in relation to the potential future use of the parking space.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 31, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board.

Chairman Davis then opened the application for general public comment. One (1) member of the public addressed the Board, namely:

Nancy Hill, owner of the property located at 117 E. 6th Avenue, appeared & she was placed under oath to testify before the Board. Ms. Hill raised concerns in relation to the variance relief sought by the Applicant & the impact that the additional intrusion into the side & frontyard setbacks would have on her property. Ms. Hill argued that the Applicant's proposal would negatively impact light, air & open space and it would not result in a desirable visual environment. She argued that there is already no space between the properties & this proposal only serves to make that situation worse. Ms. Hill expressed additional concerns

in relation to the proposed undersized parking space & she also raised issues with the proposed deck within the frontyard setback.

No additional members of the public spoke out in favor or against the application. Accordingly, the public portion of this application was closed.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/siteplan approval. 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 property is located in the R-1.5 Zoning District & it is currently developed with a single-family dwelling. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting variance/siteplan approval. The Applicant, was self-represented in connection with this application. The subject property is an undersized 25ft. x 100ft. lot located in the R-1.5 Zoning District & it is currently developed with a single-family dwelling. Mr. Cardillo reviewed the nature of the application; he identified the location of the proposed deck & sideyard building addition. He provided testimony in relation to the need for variance relief. Mr. Cardillo argued that the undersized lot & the fact that same is already developed presents a hardship which supports the variance relief sought. The Board received public comment from one individual who was opposed to the variance relief sought by the Applicant. With respect to the “c” variance relief sought by the Applicant, the Board finds that the Applicant has not presented sufficient justification to grant the variance relief associated with this application. The Board found the proposed variance/siteplan does not meet the requirements set forth within the Ordinance. Board Members expressed significant concerns in relation to the fact that the Applicant’s proposal would significantly increase existing non-conformities. Board Members expressed concerns about the proposed frontyard setback, the proposed sideyard setback, and the undersized off-street parking space. The Board acknowledged that the property is an undersized lot; however, the Board determined that the Applicant’s proposal presented substantial detriments to the public good & would impair the intent & purpose of the Zoning Map & Ordinance. The Board found that the Applicant failed to establish that granting the requested variance relief would advance the purposes of Zoning, and that the Applicant failed to establish that the benefits of the deviation from the strict application of the Ordinance would substantially outweigh any potential detriments to the Ordinance & Zoning Map. While the Applicant may be experiencing a hardship in relation to the undersized lot, the Board found that substantial detriments do exist and relief sought by the Applicant was not meet the requirements of the Ordinance or hardship. The Board further found that the proposed project would present a substantial detriment to the public good, to the City’s municipal land use Ordinances & to the City’s Zoning Map. The Board finds that the Applicant has not satisfied the requirements for variance/siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Resolution as discussed. The Board bifurcated the application into three (3) separate votes; For the aspect of the addition/bump-out variance, Motioned by Vice Chair DiEduardo & 2nd by Mr. O’Connell. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being in the negative, the application for addition/bump-out variance/siteplan, the application was denied by the Board.

For the aspect of the front deck variance, 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 in the negative, the application for front deck variance/siteplan, the application was denied by the Board.

For the aspect of the parking space, 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 in the negative, the application for addition/bump-out variance/siteplan, the application was denied by the Board.

No part of the application was approved, separate votes were not approved by the Board, accordingly the application in full was denied by the Board.

Application No.: P-22-2-3 Cedar Oak Development, LLC

431 East 25th Avenue

Block 289; Lot 8

OS Zoning District

Preliminary & Final siteplan approval & 'c' variance relief in order to develop a duplex

The Board heard & considered the application of Cedar Oak Development, LLC (Applicant), owner of the property located at 431 East 25th Avenue, a/k/a Block 829, Lot 8 (Property), seeking 'c' variance relief in relation to minimum lot area (6,000SF is required whereas 5,000SF is existing & proposed), minimum lot frontage (60ft. is required whereas 50ft. is existing & proposed), minimum lot width (60ft. is required whereas 50ft. is existing & proposed), and maximum building height (36ft. is permitted whereas 38ft. is proposed), in order to construct a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot in the City's Oceanside (OS) Zoning District.

Colin Bell, Esq., of the Law Offices of Hankin, Sandman, Palladino, Weintrob & Bell appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Applicant is proposing to develop a stacked duplex on a 50ft. x 100ft. lot located in the City's OS Zoning District. The property is currently utilized as a parking lot. Mr. Bell advised the Board that the Applicant is requesting 'c' variance relief in connection with the height of the proposed building & for lot area, lot frontage & lot width.

Joseph Garramone, R.A. of Garramone Architects, LLC appeared before the Board on behalf of the Applicant. Mr. Garramone was accepted by the Board as an expert in the field of architecture & he was placed under oath & testified from the proposed architectural plans, dated November 24, 2021, which were received by the Board, & which are incorporated herein as fact. Mr. Garramone reviewed the proposed floor plans & architectural elevations for the benefit of the Board. Mr. Garramone advised the Board that the Applicant is proposing to construct a two (2) unit stacked duplex. The ground floor will consist of a garage & storage area along with a den & laundry which will only be accessible by the 1st floor unit. Mr. Garramone testified that the proposed units utilize the same floor plan & contain a total of three (3) bedrooms & two (2) bathrooms.

In response to a question posed by the Board, Mr. Garramone testified that the proposed ground floor den will not be used as an additional bedroom for the 1st floor unit. He advised the Board that the den windows are not egress windows as they measure 3ft. x 4ft. He also noted that the proposed bathroom within the den is a 1/2 bath & contains no shower.

With respect to the maximum building height variance, Mr. Garramone testified that the property is located in the Coastal A Flood Zone which necessitates that the 1st floor of living space be built at base flood elevation (BFE) 11 feet. He indicated that an additional two (2) feet of freeboard is required which results in the 1st floor of living space being constructed at BFE 13 feet. Mr. Garramone indicated that the majority of North Wildwood is located in a different flood zone which would require the 1st floor of living space to be

constructed at Design Flood Elevation (DFE)/BFE 11 feet. Mr. Garramone testified that the Applicant is seeking to recapture the two (2) feet of building that's been lost due to the higher flood zone. Mr. Garramone opined that the proposed development & the increased BFE secures safety from fire, flood, panic & other natural & man-made disasters. Mr. Bell distributed four (4) photographs of a current duplex under construction on another site that's identical to what's proposed by the Applicant. The photographs were received by the Board & marked as Exhibits A-1 through A-4.

Joseph Mohnack, P.E. of DeBlasio & Associates appeared before the Board on behalf of the Applicant. Mr. Mohnack was accepted by the Board as an expert in the field of engineering, & he was placed under oath & testified from the proposed siteplans, dated November 19, 2021 & last revised March 28, 2022, which were received by the Board & which are incorporated herein as fact. Mr. Mohnack reviewed the existing & proposed siteplan for the benefit of the Board. Mr. Mohnack advised the Board that, in connection with this application, the Applicant is seeking variance relief in relation to minimum lot area (6,000SF is required whereas 5,000SF is existing & proposed), minimum lot frontage (60ft. is required whereas 50ft. is existing & proposed), minimum lot width (60ft. is required whereas 50ft. is existing & proposed), and maximum building height (36ft. is permitted whereas 38ft. is proposed). Mr. Mohnack testified that the lot area, lot frontage & lot width are pre-existing non-conforming conditions. The lot is conforming for the construction of a single-family dwelling; however, single-family duplex dwellings require a minimum lot size of 60ft. x 100ft. (6,000SF). Mr. Mohnack advised the Board that the Applicant is proposing to construct a duplex which conforms with all area & bulk requirements. Mr. Mohnack 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:

- c. Secures safety from fire, flood, panic & other natural & man-made disasters;
- c. Provides adequate light, air & open space;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses & open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Mohnack 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. Mohnack testified that the proposed development increases the safety of the site as the site is currently operated as a parking lot. Mr. Mohnack further testified that the proposed development is consistent with the surrounding neighborhood.

In response to a question posed by the Board, Mr. Garramone testified that there is room within the garage & in the rearyard to construct a trash enclosure. As a condition of approval, the Applicant will submit revised plans depicting a trash enclosure in the rearyard or within the garage. Board Members expressed concerns about the Applicant's proposal to construct a duplex on a 50ft. x 100ft. lot. Board Members agreed that the property is not an undersized lot in the OS Zoning District & acknowledged that the Applicant is attempting to construct a duplex on site when duplexes are permitted in the OS Zoning District on lots measuring 60ft. x 100ft.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated April 1, 2022, which was received by the Board & incorporated as fact. Mr. Petrella reviewed the variance relief sought in connection with this Application & the standards governing the development of duplexes in the OS Zoning District.

Chairman Davis then opened the application for general public comment. No members of the public spoke out in favor or against the application. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/siteplan approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts. Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the OS Zoning District & it is currently developed as a parking lot. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting variance/siteplan approval. The property is an undersized 50ft. x 100ft. lot located in the OS Zoning District & it is currently developed as a parking lot. The Applicant is proposing to construct a single-family semi-detached dwelling on site. Single-family duplex dwellings are permitted in the OS Zoning District on lots measuring 60ft. x 100ft. In connection with the Applicant's proposal the following 'C' variances are sought:

- a. Minimum lot area (6,000SF is required whereas 5,000SF is existing & proposed);
- b. Minimum lot frontage (60ft. is required whereas 50ft. is existing & proposed);
- c. Minimum lot width (60ft. is required whereas 50ft. is existing & proposed); and
- d. Maximum building height (36ft. is permitted whereas 38ft. is proposed).

Mr. Mohnack testified to the existing & proposed site conditions & floor plans. He identified the variance relief sought in connection with this Application & he testified to the positive criteria which supports the relief sought by the Applicant. Mr. Garramone testified to the floor plans & architectural elevations proposed in connection with the development of a single-family duplex dwelling. The Board found Mr. Garramone & Mohnack testimony to be credible & persuasive.

At the conclusion of the Applicant's presentation the Board opened the Application up for deliberations at which time members of the Board expressed mixed opinions in connection with the Application & the relief sought in connection with same. Board members expressed concerns with the proposed development of a duplex on a 50ft. x 100ft. lot in the OS Zoning District. The Board did not agree with the Applicant's testimony that the lot was undersized. Board Members indicated that the proposed development would be detrimental to the surrounding neighborhood as the proposal amounts to the overdevelopment of an undersized lot. A majority of the Board found that the project & the requested variances were not appropriate & were contrary to the City's Master Plan, it's Zoning Ordinance & the Zoning Map. The Board further found that the purposes of zoning would not be advanced in connection with the proposed development. The Board found that the approving this application would not be in the best interests of the City & that the proposed Application would in fact impair the intent & purpose of the City's Ordinance & Zoning map as there were substantial detriments to the public good, the zone & the surrounding community. A majority of the Board determined that the purposes of zoning would not be advance in the event this project was approved & the negative criteria outweighed the positive criteria. The Board has determined that the Applicant has not established that the purposes of zoning would be advanced in connection with this application & the proposal presents substantial detriments to the public good, the Zoning Map & the Ordinance. The Board found the proposed variance/siteplan does not meets the requirements set forth within the Ordinance. Board Members expressed significant concerns in relation to the fact that the Applicant's proposal would significantly increase existing non-conformities. Board Members expressed concerns about the proposed lot size and the proposed setbacks. The Board acknowledged that the property is an undersized lot; however, the Board determined that the Applicant's proposal presented substantial detriments to the public good & would impair the intent & purpose of the Zoning Map & Ordinance. There was no public comment on the application. The Board finds that the Applicant has not satisfied the requirements for variance/siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by Mr. Harkins & 2nd by Ms. DeJoseph. 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 voted in the affirmative; Mr. Harkins, Mr. Greenland, Vice Chair DiEduardo & Chairman Davis. The following Board members voted in the negative; Chief Stevenson, Mr. O'Connell, Mr. Miller, Mr. Auty, & Mr. Peters. Ms. DeJoseph did not need to vote. The application to construct a single-family duplex dwelling on a 50ft. x 100ft. lot in the City's OS Zoning District was denied.

Planning Board Resolution No. PB-06-2022 – Administrative Tax Map Maintenance Fee

Pursuant to N.J.S.A. 40:55D-26 & N.J.S.A. 40:55D-64, prior to the adoption of a development regulation, revision, or amendment thereto, the governing body is required to refer said regulation to the Planning Board for its review & comment in order to ensure that the proposed regulation, revision or amendment is consistent with the municipality's current Master Plan, and the Planning Board is required to prepare a report, to be submitted to the governing body, outlining the Board's findings in relation to the consistency of said regulation to the municipality's Master Plan.

The City of North Wildwood's governing body on April 5, 2022, Ordinance 1875, entitled "An Ordinance Supplementing Chapter 276 of the Code of the City of North Wildwood, Land Development Ordinance, to Create an Administrative Tax Map Maintenance Fee" which proposes establish a \$100 per lot in connection with all applications for major or minor subdivisions, and for all procedures such as lot consolidations, condominium conversions, removal or addition of easements or any other action that may require a modification to the municipal Tax Map;

The Board quantified it is both reasonable & appropriate to ensure that the fee is reasonable for application throughout the City. The Board's duly-noticed public meeting, reviewed & discussed proposed Ordinance No. 1875 to determine if said Ordinance was consistent with the City's current Master Plan, and the Board ultimately found that the proposed Ordinance was acceptable & further found that same is consistent with the current City of North Wildwood Master Plan.

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

I) ZONING OFFICER REPORT:

Dan Spiegel, Zoning Officer/Construction Official, had nothing to report to the Board.

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.

K) APPROVAL OF MINUTES:

The Board Solicitor presented to the Board the approval the March 9, 2022 Board regular Meeting

Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No discussion or corrections proposed. Motioned as proposed by Mr. Harkins & 2nd by Ms. DeJoseph. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

L) UNFINISHED BUSINESS:

Definition of Hotel/Motel – Amendment to Land Development Ordinance – continuation of discussion from the April 2022 meeting.

Planning Board Resolution No. PB-04-2022

The Board over the course of the past several years, has reviewed & considered several Use Variance applications proposing to convert existing hotels & motels located throughout the City to multi-family apartments buildings, and several other hotel & motels have been converted to the condominium form of ownership. The conversion of hotels/motels from a fee simple form of ownership to the condominium form of ownership does not amount to a “change in permitted use,” the City of North Wildwood has determined that it is appropriate to reevaluate the current zoning regulations governing the use & operation of hotels & motels throughout the City. The Board, at the request of the City governing body, was asked to evaluate the current zoning regulations associated with the operation of a hotel & motel to determine if revisions were appropriate to address the current trends associated with the hotel & motel use. The Board established a subcommittee consisting of three (3) Board members and; the Board Solicitor, the Board Engineer & the Board Secretary to conduct a comprehensive review of the City’s Land Development Ordinance as it relates to regulations governing hotel & motel uses, and thereafter to report recommended revisions to the Board as a whole.

The Board subcommittee drafted an discussion/report which outlines the subcommittee’s recommended revisions to the City’s Land Development Ordinance to address current trends associated with the existing use & the conversion of hotels & motels throughout the City; and the Board’s Solicitor prepared a discussion draft for the Board which considered & discussed the subcommittee’s proposed revisions to the City’s Land Development Ordinance and determined that said revisions were reasonable, appropriate & consistent with the City’s current Master Plan, however the Board in majority, felt further revisions were necessary to clarify & define hotel & motel conversions as it pertains to the Ordinance provision as being considered to be amended.

The Board reviewed & discussed a proposed Ordinance drafted by the Board Solicitor outlining revisions to the Land Development Ordinance to specifically define hotels & motels, transient occupancy, and to establish clear & consistent rules and regulations governing the use and operation of hotels & motels, and the Board found that the proposed revisions are in the best interest of the City & same are consistent with the current City of North Wildwood Master Plan. Specifically, those sections defining and regulating hotel & motel uses throughout the City of North Wildwood, as more specifically identified within the attached Ordinance, be revised to incorporate the changes outlined within said Ordinance.

The Board resolves to recommend that the Council of the City of North Wildwood accept & adopt the proposed revisions to the City’s Ordinance as outlined within the Ordinance reviewed by the Board.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by Vice Chair DiEduardo & 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 memorialization was approved by the Board.

M) COMMUNICATION(S):

The Board Secretary brought the following “informational” items to the Board attention. No formal Board action was required;

New Jersey Pollutant Discharge Elimination System (NJPDES) Permit – Compliance Inspection-
NJ Stormwater training requirement - *Information only – No formal Board Action expected*

Newspaper article – Planning Boards have enormous power to shape your town. Here’s the scoop
on how they work -*Information only – No formal Board Action expected*

NJ NJDEP CAFRA Notification letter – *Revised proposal* - Seaport Pier – 2201 Boardwalk (Beach
area of interest), Block 317.03, Lot 1, Beach Bar proposal - *Information only – No formal Board
Action expected*

Resignation of Board Member Barbara Hass


N) REPORTS: None presented.

O) MEETING ADJOURNED:

Meeting was adjourned at 7:55pm, on motioned by Vice Chair DiEduardo & 2nd Mr. O’Connell. Based
on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

5/19/22
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.

