

North Wildwood Planning Board
Regular Meeting: September 14, 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

| | | | |
|-----------------------------|---------|--------------------------------------|---------|
| 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 | Present |
| Mr. John Harkins | Present | Councilman David Del Conte | Absent |
| Mr. George Greenland | Absent | Mr. Bill O'Connell | Present |
| Mr. Bill Auty (Alt. 1) | Present | Ms. Valeria DeJoseph (Alt. 3) | Present |
| Mr. Ron Peters (Alt.2) | Present | Vacant (Alt. 4) | |
| | | 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-22-6-1 Joseph Pace

224 W. 10th Avenue

Block 148; Lot 5

R-2 Zoning District

“c” Hardship/siteplan – Shed & swimming pool in frontyard

The Board heard & considered the application of Joseph Pace (Applicant), owner of the property located at 224 West 10th Avenue, a/k/a Block 148, Lot 5 (Property), seeking ‘c’ variance relief in relation to minimum frontyard setback – 10th Avenue (10ft. is required whereas 4.6ft. is proposed), minimum rear yard setback (10ft. is required whereas 1.7ft. is existing & proposed), minimum side yard setback (6ft. is required whereas 3ft. is existing & proposed), to permit an accessory shed in a frontyard, and to permit an accessory swimming pool to be located within the frontyard of Delaware Avenue, in order to maintain an existing shed & pool which were relocated to the frontyard of Delaware Avenue without required permits/approvals.

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. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board. Board members Mr. Peters & Ms. DeJoseph abstained from the vote.

Application No. Z-21-6-2(A) Star Property Group, LLC

721-723 Spruce Avenue

Block 28, Lots 7.01 & 7.02

R-2 Zoning District

Amended subdivision & siteplan approval – NJDOT driveway change modification

The Board heard & considered the application of Star Property Group, LLC (Applicant), the owner of the property located at 721-723 Spruce Avenue, a/k/a Block 28, Lots 7.01, 7.02, & 7.03 (Property), seeking amended minor subdivision approval & a design waiver associated with a proposed curbcut (a maximum curbcut of 20ft. is permitted whereas 30ft. is existing & proposed), in order to revise the proposed plan providing access to three (3) lots measuring 50ft. x 97.12ft, 40ft. x 100ft. & 60ft. x 104.43ft. which were previously approved for the construction of two (2) duplexes & one (1) single-family dwelling.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. O’Connell & 2nd by Mr. Green. 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. Miller & Ms. DeJoseph abstained from the vote.

Application No. Z-22-5-2 101 East Walnut Avenue Real Estate Ventures

100 East Walnut Avenue

Block 221; Lot 4

D & E Zoning District

D(1) Use & D(3) Height/Use & ‘C’ variance siteplan approval

The Board heard & considered the concept review application of 101 East Walnut Avenue Real Estate Ventures for an informal review at July meeting. The Board & Applicant exchange ideas & understanding of

the Applicant's proposal to which the formal application was to be heard tonight. As a concept/informal review application, no formal action or vote did occur on the last month's concept application.

The Board heard & considered the application of 101 E. Walnut Avenue Real Estate Ventures, LLC (Applicant), owner of the property located at 100 East Walnut Avenue, a/k/a Block 221, Lot 4, seeking preliminary & final siteplan approval, a D(1) Use variance, a D(6) maximum building height variance (36ft. is permitted whereas 41.5ft. is proposed), and 'C' variance relief in relation to maximum lot coverage (80% is permitted whereas 93.3% is proposed), maximum building coverage (65% is permitted whereas 71% is proposed), and number of stories (three{3} stories are permitted whereas four {4} stories are proposed), in order to construct a mixed-use building consisting of a commercial unit on the ground floor, and two (2) residential units on the 2nd floor, and a residential unit on both the 3rd & 4th floors.;

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

Application No. Z-22-3-1 HHN, Inc. (aka Owen's Pub)

119 East 17th Avenue

Block 204; Lot 13, 14, & 15

CBD Zoning District

Preliminary & final site plan approval & 'c' Variance to establish an outdoor seating/bar area

The application was originally heard at June meeting of the Board. After several discussions on the specific use of the shipping container for the outdoor bar by the Board members, the Applicant & his attorney, the Applicant requested tabling the application till the August meeting to work out detail regarding same. Board members were almost united that the shipping container was not the aesthetic building thought to be harmonic to the neighborhood. It was desirable to the most of the Board that a separate or attached building be utilized for the outdoor bar. The Applicant's attorney, Mr. Amenhauser discussed the myriad of issues & substantial changes that were expected to the siteplan as discussed with the Board & Applicant & Mr. Amenhauser, that all parties decided that more time is necessary to properly submit the requested/required documentation & plans. Mr. Amenhauser requested adjournment of the application due to the fact the Applicant was not prepared to continue with the application based on the myriad of issues concerning the construction of the site & how it relates to the Board's possible review & interpretation of the siteplan. Mr. Amenhauser requested time until the August meeting to submit revised documentation, which was granted.

The Board heard & considered the revised application of HHN, Inc. (Applicant), owner of the property located at 119 E. 17th Avenue, a/k/a Block 204, Lots 13, 14, & 15 (Property), seeking preliminary & final siteplan approval, a D(2) Use Variance approval for the expansion of a non-conforming use, and 'C' variance relief in relation to off-street parking (25 off-street parking spaces are required whereas 11 are proposed), minimum driveway width (24ft. is required whereas 21ft. is proposed), minimum landscape buffer (five {5}ft. is required whereas 0ft. is proposed), maximum lot coverage (80% is permitted whereas 98.04% is proposed), minimum sideyard setback (6ft. is required whereas 1.5ft. is existing & proposed), minimum sideyard setback for accessory structure (4ft. is required whereas 3.65ft. is existing & proposed), and minimum rearward setback for accessory structure (4ft. is required whereas .047ft., 1.7ft., & 1.9ft. are existing & proposed), in order to construct an outdoor seating area containing a 10 seat bar & tables containing a total of 32 seats.

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. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board. Board members Mr. Miller, Mr. Auty, Mr. Peters & Ms. DeJoseph abstained from the vote.

H) NEW BUSINESS:

Chief Stevenson identified he had a conflict with the application, stepped down for the next application(s) & took a seat in the public seating area.

Application No. P-22-7-1 Joseph M. & Eileen E. Conroy

500 Atlantic Avenue

Block 246; Lot 11

R-1 Zoning District

Multiple "c" variance(s) – installation of shed in three (3) possible locations in frontyard setback

The Board heard & considered the application of 500 Atlantic Avenue, LLC (Applicant), owner of the property located at 500 Atlantic Avenue, a/k/a Block 246, Lot 11 (Property), seeking 'C' variance relief for a shed located in the frontyard at the Property. The application seeks Board approval of one shed to be located in the frontyard, but seeking recommendation of three (3) possible locations.

Jeff Barnes, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Barnes informed the Board that the Property is currently developed with a single-family dwelling located on an undersized lot. The location of the shed in a frontyard may prove to be problematic & seeks the Board guidance on the best possible location.

Joseph Conroy, the Applicant, appeared before the Board on behalf of the Applicant. He was placed under oath & testified from the proposed plan for the shed installation, which is incorporated herein as fact. Mr. Conroy reviewed the proposed project for the benefit of the Board.

John Halbruner, P.E., R.A. with The Hyland Design Group appeared before the Board on behalf of the Applicant. Mr. Halbruner was accepted by the Board as an expert in the field of land surveying & he was placed under oath & testified from the proposed plan for the shed installation, consisting of one (1) sheet, which was received by the Board & which is incorporated herein as fact. Mr. Halbruner reviewed the proposed subdivision for the benefit of the Board.

Board member had several questions regarding the project. There were some inconsistencies discovered by the Board members & the Applicant's experts. After seeking a five-minute recess, Mr. Barnes requested tabling the application till next month's meeting.

Applicant & his attorney, the Applicant requested tabling the application till the October meeting to work out detail regarding same. Board members were almost united that the shed location was problematic & was not the aesthetic vista thought to be harmonic to the neighborhood. It was desirable to the most of the Board that an attached building/addition be utilized for the shed.

Mr. Barnes discussed the myriad of issues & substantial changes that were expected to the siteplan as discussed with the Board & Applicant & Mr. Barnes, that all parties decided that more time is necessary to properly submit the requested/required documentation & plans. Mr. Barnes requested adjournment of the application due to the fact the Applicant was not prepared to continue with the application based on the myriad of issues concerning the construction of the site & how it relates to the Board's possible review & interpretation of the siteplan. Mr. Barnes requested time until the October meeting to submit revised documentation, which was granted.

The Board Solicitor announced adjournment of the above referenced application by request of the Applicant's attorney/agent. The request for adjournment also provided for time limit waiver under the NJ Municipal Land Use Law {NJ-MLUL} (NJSA 40:55D-1 et. seq.) & the Ordinance (Chap. 276-1 et. seq.) as announced by the Board Solicitor. The Board Solicitor announced to the public that this application will be adjourned to the October 12, 2022 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

After the application(s) was concluded, Chief Stevenson returned to their seats on the Board's dais to partake in Board business.

Application No. P-22-7-2 MW of Wildwood, LLC

802 New York Avenue
Block 150; Lot 9
R-2 Zoning District
Minor subdivision approval with "c" variances

The Board heard and considered the application of 800 New York Avenue, LLC (Applicant), owner of the property located at 802 New York Avenue, a/k/a Block 150, Lot 9 (Property), seeking minor subdivision approval, and 'C' variance relief in relation to minimum lot depth – lots 9.01 & 9.02 (100ft. is required whereas 80ft. is proposed), and minimum frontyard setback – on proposed Lot 9.02 (10ft. is required whereas 6.17ft. is proposed), in order to create two (2) 50ft. x 80ft. lots suitable for the development of single-family dwellings;

Cory Gilman, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Gilman informed the Board that the Property is currently developed with a dilapidated single-family dwelling & a non-conforming commercial warehouse. He advised the Board that the Applicant is proposing to demolish the existing structures located on-site in order to subdivide the property to create two (2) 50ft. x 80ft. lots suitable for the development of single-family dwellings. The proposed subdivision would orient the proposed lots towards 8th Avenue. It should be noted that the Applicant could subdivide the property in order to create two (2) fully conforming 40ft. x 100ft. lots if said lots were oriented towards New York Avenue. Mr. Gilman indicated that the Applicant believes that orienting the lots towards 8th Avenue is the better option as this proposal would reduce access points along New York Avenue which in turn promotes the free flow of traffic in the community. The Applicant's proposal also involves removing a large area of depressed curb in order to replace same with raised curb which will result in the creation of on-street parking spaces where none currently exist. Mr. Gilman reviewed the variance relief sought in connection with the Applicant's proposal. He noted that the proposed corner lot has frontage along two (2) streets which requires two (2) 10ft. frontyard setbacks which has a significant impact on the design of the structure. Accordingly, the Applicant is requesting a variance to permit a 6.17ft. sideyard setback to New York Avenue whereas 10ft. is required.

George Swenson, P.L.S. with The Martinelli Group, L.L.C., appeared before the Board on behalf of the Applicant. Mr. Swenson was accepted by the Board as an expert in the field of land surveying & he was placed under oath & testified from the proposed plan of minor subdivision, consisting of one (1) sheet, which was received by the Board & which is incorporated herein as fact. Mr. Swenson reviewed the proposed subdivision for the benefit of the Board. As a condition of approval, the Applicant will confirm lot numbers & property addresses with the City Tax Assessor & same will be reflected on revised plans. The Property contains 80ft. of frontage along New York Avenue & 100ft. of frontage along 8th Avenue. Mr. Swenson testified that the proposed orientation of the lots necessitates a lot depth variance for both of the lots in question as 100ft. is required whereas 80ft. is proposed. Mr. Swenson testified that orienting the lots to 8th Avenue will alleviate parking & traffic issues along New York Avenue. He indicated that this orientation is preferred as it allows the structures to take advantage of views down 8th Avenue to the bay. Mr. Swenson testified that the proposed corner lot requires a frontyard setback variance as a 6.17ft. setback is proposed to New York Avenue whereas 10ft. is required. He confirmed that the frontyard setback to 8th Avenue conforms to the required 10ft. setback. Mr. Swenson indicated that the frontyard setback variance is minor in nature as the setback is to the street rather than to an adjacent building. Stated otherwise, he indicated that no neighboring properties would be impacted by the reduced setback.

Mr. Gilman distributed elevation views of the proposed structures which were received by the Board & which were marked as Exhibit A-1. As a condition of approval, the proposed single-family dwellings must be constructed identically to what's depicted on the proposed building elevations.

Mr. Swenson advised the Board that the sides of the structure facing 8th & New York Avenue(s) incorporated a number of architectural features in order to give both sides the appearance as if they were the front of the structure. Mr. Swenson informed the Board that 40ft. of depressed curb along 8th Avenue & 80ft. along New York Avenue will be replaced with raised curb in connection with the proposed development, resulting in the creation of additional on-street parking spaces where none currently exist.

Board Members expressed concerns that, in the event the subdivision is approved, the Applicant could abandon plans to develop single-family dwellings & attempt to utilize the City's Conditional Use Standards for duplex development. As a condition of approval, the Applicant agreed that development of the proposed lots shall be limited exclusively to single-family dwellings. In response to a question posed by the Board in relation to how exactly the proposed lot orientation improves the free flow of traffic, Mr. Swenson testified that the proposed subdivision would limit access points along New York Avenue as one (1) curb cut would be located on 8th Avenue & the other on New York Avenue. He indicated that this arrangement would limit the number of vehicles backing out on to New York Avenue which advances the free flow of traffic. Mr. Swenson advised the Board that the with the exception of the lot depth & frontyard setback variances, the proposed structures conform to all of the area and bulk requirements of the Zoning District. Board Members raised concerns about the fact that the proposed lots to be created are undersized. Mr. Gilman noted that the while the proposed lots are short on depth, they actually comply with the minimum lot area required in order to construct a single-family dwelling in the Zoning District.

Mr. Swenson opined that application advances the purposes of zoning, outlined within N.J.S.A. 40:55D-2, which supports 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;
- c. Provides adequate light, air & open space;

- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses and open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens;
- h. Encourages the location & design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities & routes which result in congestion or blight; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Swenson further opined that the application can be granted as there are no substantial detriments to the public good & the application does not impair the intent or purpose of the Zoning Map or Ordinance. Mr. Swenson indicated that the Applicant's proposal will eliminate an existing non-conforming use, & the proposed development of single-family dwellings is consistent with the surrounding neighborhood. Mr. Gilman stated that the Applicant believes that this proposal is a better zoning alternative for the Property & for the City.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated September 1, 2022, which was received by the Board & incorporated as fact. Mr. Petrella confirmed the relief sought by the Applicant. He indicated that the existing sidewalks would need to be replaced with ADA-compliant sidewalks during construction. As a condition of approval, the Applicant will replace existing sidewalks with ADA-compliant sidewalks during construction.

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

Ed Brennan, owner of the property located at 206 West 8th Avenue, was placed under oath & was sworn in to testify before the Board. Mr. Brennan raised concerns in relation to traffic along New York Avenue & parking. He was advised that the Applicant's proposal provides compliant off-street parking & additional on-street parking would be created as a result of the development.

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

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/minor subdivision 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 R-2 Zoning District & it is currently developed with a commercial warehouse use. The Property is an irr-regular sized lot with two (2) frontyards. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting variance/minor subdivision approval. Mr. Gilman & Mr. Swenson reviewed the nature of the application; he identified the location of the proposed swimming pool & shed with building setbacks. They provided testimony in relation to the need for variance relief. Mr. Swenson testimony was deemed credible by the Board. The Property is unique in that it contains frontage along two (2) public rights-of-way, New York & West 8th Avenue, and contains two (2) front, one side, and one rearyard. The Applicant is proposing constructing two (2) single-family homes with one home facing New York Avenue. The Board did receive public comment 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 presented sufficient justification to grant the variance relief associated with this application. The Board acknowledged that the property is an irr-regular sized lot with two (2) frontyards; however, the Board determined that the Applicant's proposal presented limited substantial detriments to the public good & would not impair the intent & purpose of the Zoning Map & Ordinance. The Board found that the Applicant did

establish that granting the requested variance relief would advance the purposes of Zoning, 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 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 of the Resolution as discussed. Motioned by Vice Chair DiEduardo & 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. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

Due to the nature of the next two (2) applications requesting a Use variance & the regional Board format, Mr. Miller as Mayor's designee & Vice Chair DiEduardo identified she had a conflict with the application, for she resides within 200 feet of the property, stepped down for the next application(s) & took a seat in the public seating area.

Application No. Z-22-2-5 Anthony Viscusi

3 Mace Avenue

Block 6.04; Lot 5

R-2 Zoning District

"d(3) Conditional Use Variance/Use Variance siteplan approval, "c" variance for roof-top deck

The Application submitted by Anthony Viscusi requests a "d(3) Conditional Use Variance in order to permit the construction of a single-family semi-detached dwellings at the property located at 3 Mace Avenue, a/k/a Block 6.04, Lot 5, in the City's R-2 Zoning District, for a property that does not meet the Conditional Use requirements of the Ordinance. The application also requests a "c" variance for a roof-top deck which was prohibited by recently adopted City Ordinance.

Jeff Barnes, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Barnes informed the Board that the Property is currently developed with an older duplex in need of renovation. The proposed new construction of a duplex would modernize the property functionally & efficiently.

Brian Newswanger, RA of Atlantes Architects, record architect for the application, could not attend tonight's meeting due to Covid-19 exposure. In lieu of Mr. Newswanger, John Halbruner, P.E., R.A. with the Hyland Design Group appeared before the Board on behalf of the Applicant. Mr. Halbruner was accepted by the Board as an expert in the field of land surveying & he was placed under oath & testified from the proposed plan for the construction of the duplex, which received by the Board & which is incorporated herein as fact. Mr. Halbruner reviewed the proposed development plans for the benefit of the Board.

Board member had several questions regarding the project. There were some inconsistencies discovered by the Board members & the Applicant's experts. After seeking a five-minute recess, Mr. Barnes requested tabling the application till next month's meeting.

Applicant & his attorney, the Applicant requested tabling the application till the October meeting to work out detail regarding same. Board members were almost united that the roof-top deck location was problematic & was not the aesthetic vista thought to be harmonic to the neighborhood. In an informal poll, it was desirable to the most of the Board that the roof-top deck be eliminated.

Mr. Barnes discussed the myriad of issues & substantial changes that were expected to the siteplan as discussed with the Board & Applicant & Mr. Barnes, that all parties decided that more time is necessary to properly submit the requested/required documentation & plans. Mr. Barnes requested adjournment of the application due to the fact the Applicant was not prepared to continue with the application based on the myriad of issues concerning the construction of the site & how it relates to the Board's possible review & interpretation of the siteplan. Mr. Barnes requested time until the October meeting to submit revised documentation, which was granted.

The Board Solicitor announced adjournment of the above referenced application by request of the Applicant's attorney/agent. 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.) as announced by the Board Solicitor. The Board Solicitor announced to the public that this application will be adjourned to the October 12, 2022 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

After the application(s) was concluded, Mr. Miller & Vice Chair DiEduardo, returned to their seats on the Board's dais to partake in Board business.

I) ZONING OFFICER REPORT:

Dan Spiegel, Zoning Officer/Construction Official, had nothing to report for tonight's meeting.

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 August 10, 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. Green & 2nd by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved. Board member Ms. DeJoseph abstained from the vote on memorialization.

L) UNFINISHED BUSINESS:

Land Development Ordinance amendments – Chap. 276-34(A)(2)
Expansion of non-conforming structure

The Board Secretary reminded the Board of pending amendments to Chap. 276-34(A)(2) - Expansion of non-conforming structure. The Board last month discussed several possible amendments to the section based on livable square footage criteria triggering an expansion under the Ordinance or based on volume criteria triggering an expansion. Both amendments are subject to City Administration review as proposed by the Board. The Board Solicitor & Board Secretary were unaware of any comments from City Administration & further review may be warranted by both the Board, Board Chairman & active commentary with City Administration. The Board Solicitor will reach out to City Administration for any comments.

Land Development Ordinance amendments – Chap. 276-12(G) & Chap. 276-12(F)
Stair landings & open-air decks

The Board Secretary reminded the Board of pending amendments to Chap. 276-12(G) & Chap. 276-12(F) - Stair landings & open-air decks. The Board discuss eliminating this section as it contradicts the individual zoning district bulk requirements. This section poses a confusing contradiction between the two sections. The interpretation of whether an open deck includes a roof-over deck/porch was discussed. It was the Board’s understanding that open deck, to the air, built prior to 1986, was permitted. All construction in the frontyard setback should be adhered to the 10-foot frontyard setback. The Board Secretary & Board Solicitor to work on the amendments & propose same as the minimum of 10-foot setback. The Board reviewed the history of the questionable section on how it was adopted. The Board Chairman desires to have a very clear understanding & interpretation of the section so that there is “no play” in the understanding of the Ordinance.

M) COMMUNICATION(S):

Atlantic City Electric – installation of smart meters flyer

The Board Secretary announced the installation Atlantic City Electric of electric service/house smart meters for all City structures. This was for informational only purposes for the Board.

The Board Secretary announced the adoption City Ordinance to prevent unregulated “PODS” & storage container Ordinance.

Board member O’Connell requested a status of the driveway amendment. The Board Secretary announced it will be presented at next month’s meeting.


N) REPORTS:

Board Solicitor requested the Board solicit Mayor & City Council to nominate a new Board member for the vacant position for Alternate Board Member IV. The Board Chairman will contact the Mayor in this regard.

O) MEETING ADJOURNED:

Meeting was adjourned at 9:46pm, on motioned by Mr. O’Connell & 2nd by Vice Chair DiEduardo. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____
Date 10/13/22



J. Eric Gundrum
Board Secretary

This is an interpretation of the action taken at the meeting by the Secretary, and not a verbatim transcript.